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THE  
CHARTER AND BY-LAWS  
OF THE  
CITY OF MONTREAL;

TOGETHER WITH  
MISCELLANEOUS ACTS OF THE LEGISLATURE RELATING TO THE CITY:  
WITH AN APPENDIX.

COMPILED, REVISED AND CODIFIED, BY ORDER OF THE CITY COUNCIL.

BY  
CHS. GLACKMEYER,  
CITY CLERK.



*Montreal:*  
PRINTED BY JOHN LOVELL, ST. NICHOLAS STREET.  
1865.



## EXTRACT

*From the Minutes of the Council of the City of Montreal.*

---

*Wednesday, 10th May, 1865.*

*Present*—His Worship the Mayor, J. L. BEAUDRY, Esq.; *Aldermen* GRENIER, RODDEN, GORRIE, DAVID, BOWIE, ROLLAND, STEVENSON, MCCREADY; *Councillors* MCGIBBON, DEVLIN, LABELLE, GOYETTE, McNEVIN, HIGGINSON, MCGAUVREAN, LEDUC, POUPART, ARCHAMBAULT, ALEXANDER, OGILVIE, BROWN, ISAACSON, CASSIDY.

*Resolved*—That this Council deem it their duty to express to the City Clerk, Charles Glackmeyer, their acknowledgment for his ability, zeal, and assiduity in collating, classifying, and revising the Charter and By-laws of this City, and in preparing the supplementary matters contained in the volume of Municipal Laws about to be published under the direction of this Council.

*Resolved*—That the thanks of this Council are also due to the Assistant City Clerk, P. L. Macdonell, for the able and diligent manner in which he has translated the Revised By-laws in the French language.





## P R E F A C E .

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The necessity for a new and comprehensive edition of the City By-laws has long been felt by the City Authorities, and by all persons connected with the Municipal Government.

Since the last compilation was made, in 1842, the City Charter has, at different times, been remodelled, and new provisions introduced which necessitated some modifications in several of the By-laws, to make them conform to the new enactments, and to the practical working of the various departments of the Corporation.

It was, therefore, deemed expedient to re-enact the whole of the By-laws in a modified and revised form.

The draft of the By-laws contained in this book was submitted to the City Council on the 14th December, 1863, and referred to the Chairmen of the several Standing Committees for their examination; and after a careful consideration and revision, by the Chairmen, of the By-laws relating to their respective departments, the same were brought back before the Council in their present

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shape, and finally confirmed and passed on the 10th day of May last.

It will be observed that the order in which the By-laws were originally passed has not been followed, and such parts of their primitive form as were purely technical have been omitted, and a classification of subjects attempted for the purpose of rendering the compilation concise and easy of reference.

In connection with the By-laws, it was thought proper to publish the City Charter, with its various amendments, and such other acts of the Legislature as related to the City.

There is also added an Appendix, embracing the Catalogue of the City Government since its establishment in 1840, the Internal Rules of the Council, the Rules and Regulations of the Fire and Police Departments, &c., together with a copious and correct Index; all of which, it is confidently hoped, will make the Volume particularly interesting and valuable to all those whose duty it is to administer the Municipal Government of this fair and growing City.

MONTREAL, *June*, 1865.

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**PART FIRST.**

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**CITY CHARTER AND OTHER ACTS**

**OF**

**THE LEGISLATURE,**

**RELATING TO**

**THE CITY OF MONTREAL.**

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## CHARTER OF THE CITY OF MONTREAL.

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(14 AND 15 VICTORIA, CAP. 128.)

An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal.

(Sanctioned on the 30th August, 1861.)

WHEREAS it is expedient to amend and consolidate the Preamble.  
provisions of two certain Ordinances of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, and respectively intituled, *An Ordinance to incorporate the City and Town of Montreal*, and *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, and of certain Acts of the Legislature of this Province, passed in the eighth, ninth and eleventh years of Her Majesty's Reign, and respectively intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal*, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance,—*An Act to amend the Laws incorporating the City of Montreal*, and to facilitate the decision of cases wherein the right of any party to any office in the Corporation may be called in question,—*An Act to*

Ordinances of 8  
Vic., c. 59,—9  
Vic., c. 21 and  
48,—11 Vic., c.  
11, cited.

Ordinances of 8  
and 4 Vic., c. 30  
and 36, cited.



Corporation  
continued.

General cor-  
porate powers  
granted.

*amend an Act therein mentioned, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal,—and An Act to amend the Laws relating to the Incorporation of the City of Montreal, and to vest certain other powers in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, constituted by the said Ordinance therein first mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada; and it is hereby enacted by the authority of the same, That the inhabitants of the said City and Town of Montreal, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be, and shall be, as provided in and by the said Ordinance herein first mentioned, a body corporate in fact and in name, by and under the name, style and title of *The Mayor, Aldermen and Citizens of the City of Montreal*, and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, movable and immovable estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and for granting and accepting any Bills, Bonds, Judgments or other Instruments or Securities, for the payment or securing of the payment of any money borrowed or lent, or the performance, or securing the performance, of any other duty, matter or thing whatsoever.*

2. And be it enacted, That for the purposes mentioned Powers to grant bonds. in the preceding section of this Act, and especially for the payment or securing the payment of any money borrowed, for the purpose of paying loans already made, or debts now owing by the said Corporation, or of taking up Bonds that may be due or may hereafter become due, or for the purpose of making a new loan or loans, to the extent hereinafter by the fifty-second and fifty-third sections of this Act prescribed, or for any other legitimate and sufficient purpose whatsoever, the said Council may grant and issue Bonds for the sum or sums of money therein to be specified, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the United States of America, in any part of Great Britain, or elsewhere, and either in the currency of this Province, or in sterling money, or in the currency of the country where the same may be respectively made payable, as by the said Council may be thought advantageous or expedient.

3. And be it enacted, That the tract of land which, in Limits of the City of Montreal defined. and by a certain Proclamation of His Excellency Alured Clarke, Esquire, Lieutenant-Governor of the heretofore Province of Lower Canada, issued under the Great Seal of the said last mentioned Province, and bearing date the seventh day of May, in the year of our Lord, one thousand seven hundred and ninety-two, was and is described as being comprehended within the City and Town of Montreal, and which it was therein declared, should be thenceforward called by that name, shall, as provided by the said Ordinance herein first mentioned, constitute and be, and be called, the City of Montreal.

4. And be it enacted, That for the purposes of this Act, City divided into nine wards. the said City of Montreal shall, from and after the passing of this Act, be divided, for the purposes of the same, into nine Wards, called respectively, East Ward, Centre Ward, West Ward, Saint Anne's Ward, Saint Antoine Ward, Saint Lawrence Ward, Saint Louis Ward, Saint James Ward, and Saint Mary's Ward.

5. And be it enacted, That the said wards of the City of Boundaries of

the several  
Wards.

Montreal shall be divided, bounded and limited as follows, that is to say :

East Ward.

The *East Ward* of the said city, on the south-east by that part of the River Saint Lawrence opposite to, and extending from Lacroix Street to the extremity of Walker Lane ; on the south-west by the middle of Walker Lane and Saint Gabriel Street, to Craig Street ; on the north-west by the middle of Craig Street, from Saint Gabriel Street aforesaid, to Sanguinet Street, and continuing down Sanguinet Street until it meets Saint Louis Street, from thence, along the middle of the said Saint Louis Street, to where the said Saint Louis Street meets Lacroix Street aforesaid ; lastly, on the north-east by the centre of Lacroix Street aforesaid, from Saint Louis Street aforesaid to the River or point of departure.

Centre Ward.

The *Centre Ward* of the said city shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of Walker Lane to the middle of the extremity of Callières Street ; on the south-west by the middle of the said Callières Street, and crossing the interval between the said Callières Street and Saint François Xavier Street, by the middle of Saint François Xavier Street, to Craig Street ; on the north-west by the middle of Craig Street to Saint Gabriel Street ; and lastly, on the north-east by the middle of the said Saint Gabriel Street and Walker Lane, to the River, or point of departure.

West Ward.

The *West Ward* of the said city shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of the extremity of Callières Street to the middle of the extremity of M<sup>c</sup>Gill Street ; on the south-west by a line passing through the centre of M<sup>c</sup>Gill Street and through Commissioners' Square, to Craig Street ; on the north-west by the middle of Craig Street as far as Saint François Xavier Street ; and lastly, on the north-east by the middle of Saint François

Xavier Street and Callières Street, to the River, or point of departure.

The *Saint Anne's Ward* shall be bounded as follows : on the north-east by the centre of M'Gill Street, commencing at the River Saint Lawrence ; thence north, along the centre of M'Gill Street, to its junction with the centre of Saint Joseph Street ; thence along the centre of Saint Joseph Street to the City boundary ; thence along the said boundary line in a south-easterly direction, to the River Saint Lawrence, and thence to the place of beginning.

The *Saint Antoine Ward* shall be bounded as follows : on the north-east by the centre of M'Gill Street, and through Commissioners' Square to Craig Street ; thence north, through the centre of Craig Street, to Alexander Street ; thence, through the centre of Alexander Street, to the centre of Saint Catherine Street ; thence, the north-west side of the centre of Saint Catherine Street to City Councillors' Street ; thence, the south-west side of City Councillors' Street to Sherbrooke Street ; thence, the north-west side of the centre of Sherbrooke Street to Durocher Street ; thence, the south-west side of the centre of Durocher Street, and the extension of the same to City boundary line ; thence, along the same line so far as it may extend towards the south-west ; thence, along the said line, in a south-east direction, to the centre of Saint Joseph Street ; thence, to the north-west of the centre of Saint Joseph Street, till intersecting the centre of M'Gill Street, the point of commencement.

The *Saint Lawrence Ward* shall be bounded as follows : on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Alexander Street ; thence, the north-east side of the centre of Alexander Street, to Saint Catherine Street ; thence, the north-west side of the centre of Saint Catherine Street to City Councillors' Street ; thence, the north-east side of the centre of City Councillors' Street, to Sherbrooke Street ; thence, the south-east side of the centre of Sherbrooke Street, to Durocher Street ; thence, the north-east side of the centre of Durocher Street, to the City boundary line ; thence, along

the said line towards the north-east, until the same joins the centre of Saint Lawrence Main Street; thence, the south-west side of the centre of Saint Lawrence Main Street, to Craig Street, or the place of beginning.

Saint Lewis  
Ward.

The *Saint Lewis Ward* shall be bounded as follows: commencing at the centre of Saint Louis and Saint Denis Streets, continuing south-west along the centre of Saint Louis Street to Sanguinet Street; thence, along the centre of Sanguinet Street until intersecting the centre of Craig Street; thence, the north-west of the centre line of Craig Street, until it arrives at the middle of Saint Lawrence Main Street; thence, the north-east side of the centre of Saint Lawrence Main Street, to the City boundary line; thence, along the said line, towards the north-east, until intersecting the centre of Saint Denis Street; thence, the south-west of the centre of Saint Denis Street, to the middle of Saint Louis Street, the point of commencement.

Saint James  
Ward.

The *Saint James Ward* shall be bounded as follows: the north-east side of the centre of Lacroix Street, commencing at the River Saint Lawrence and continuing to Saint Louis Street; from thence, the north-west side of the centre of Saint Louis Street, to Saint Denis Street; from thence, the north-east side of the centre of Saint Denis Street, with the extension thereof, to the City boundary; thence, along the City boundary line towards the north-east until it intersects the continuation of the centre of Visitation Street; thence, continuing the said line of the centre of Visitation Street, in a south-east direction, until the same shall reach Saint Mary Street; and thence, from the centre of Barclay Street, to the River Saint Lawrence; and thence, along the said River, to the place of beginning.

Saint Mary's  
Ward.

The *Saint Mary's Ward* shall be bounded as follows: the north-east side of the centre of Barclay Street, commencing at the River Saint Lawrence, to Saint Mary Street; and thence, continuing from the centre of Visitation Street to the City boundary line; thence, along the said line, towards the north-east, so far as the same may be found to extend; thence, continuing the said line in a south-easterly direction

until the same shall reach the River Saint Lawrence ; and thence, along the said River, to the place of commencement.

6. And be it enacted, That there shall be elected in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Montreal, and a certain number of fit persons, who shall be and be called Aldermen of the said city, and a certain number of other fit persons, who shall be and be called Councillors of the said city ; and such Mayor, Aldermen and Councillors, for the time being, shall be and be called the Council of the said city.

Mayor, Aldermen, and Councillors to be elected, and to be called the Council of the City.

7. And be it enacted, That no person shall be capable of being elected Mayor of the City of Montreal, or an Alderman thereof, unless he shall have been a resident householder within the said city for one year next before such election, and unless he shall be seized and possessed, to his own use, of real or personal estate, or both, within the said city, after payment or deduction of his just debts, of the value of one thousand pounds currency.

Qualification for Alderman.

8. And be it enacted, That no person shall be capable of being elected a Councillor of the said City of Montreal, unless he shall have been a resident householder within the said city for one year next before such election, and unless he shall be seized or possessed, to his own use, of real or personal estate, or both, within the said city, after payment or deduction of his just debts, of the value of five hundred pounds currency.

Qualification for Councillor.

9. And be it enacted, That no person shall be capable of being elected Mayor, Alderman or Councillor of the said City of Montreal, or of voting at any election of city officers, who shall not be a natural born or naturalized subject of Her Majesty and of the full age of twenty-one years ; nor shall any person be capable of voting or of being elected at any such election who shall have been attainted for treason or felony, in any court of law within any of Her Majesty's dominions.

Persons incapable of being elected Mayor, Aldermen, or Councillors, or of voting at any election of city officers.

10. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or

Persons incapable of being elected Councillors.

Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, nor any person accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, or any officer or person presiding at an election of a councillor or councillors, while so presiding, nor any clerk or assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said city, or of being a Mayor, an Alderman or a Councillor of the said city.

[Section 11, relative to the qualification of Voters, repealed by 4th section of 23 Vic., cap. 72.]

Election of  
Mayor, &c.

12. And be it enacted, That the Mayor of the said city shall be elected by the majority of the votes of all the Electors of the said city, qualified as aforesaid, taken in the wards in which they are severally and respectively entitled to vote in the election of councillors as aforesaid.

The Voters'  
List.

13. And whereas provision for the Registry of Voters has been found equitable and convenient, Be it enacted, That before the first day of January, in every year, the Assessors hereinafter mentioned shall make out from the last Assessment Roll, an alphabetical list of the Voters qualified to vote at the election of Councillors in each ward, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said Assessment Roll, as they know are then entitled to vote at such election, according to the provisions of this Act, and the said Assessors shall sign such list, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which list they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

Lists to be pub-  
licly exposed  
for one month.

14. And be it enacted, That the said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of January, inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards, or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said

city ; and any person who shall claim to be added to the said " Voters' List," or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of January.

Claims, how to be made.

15. And be it enacted, That at their last Quarterly Meeting in every year after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a *quorum* to revise the said Voters' List, and decide, according to the best of their judgment, upon the claims previously made as aforesaid, for the insertion or omission of names in or from the said Lists ; and the Mayor, or in his absence, such person as the other members of the Board shall choose at the meeting, shall preside at the meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace for the District of Montreal, well and impartially to perform their duties as such Revisors ; and the said Board shall give public notice, before their first day of sitting, of the order in which they will take up the Lists of the several Wards ; and they shall meet on the twentieth day of January, or on the day following, if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims, and deciding upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled ; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists ; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions or erasures to or from the said Voters' Lists, in relation to the applications before them ; and the said Board shall also have power to correct any mistake, or supply any accidental omission made by Assessors in the

Board of Revisors to be appointed—its duties.

Who shall preside.

Board to give notice of their order of proceeding, &c.



Proviso: Lists, when to be completed, and voters to receive notice of objections.

Publication of the revised lists.

Persons named in them, producing a certificate, may vote.

Voters to obtain certificates, and not to vote without them.

Public notice of polling places, &c., to be given.

said Lists ; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists: Provided always, that the said lists shall be finally completed before the tenth day of February: And provided also, that no person's name shall be erased from any of the said Lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

16. And be it enacted, that the Voters' List for each Ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk ; and that every person whose name shall appear in such Ward List, and who shall produce a certificate as hereinafter mentioned, shall be entitled to vote at the election for Mayor of the said city, and for a Councillor or Councillors, as the case may be, for such ward, without any further enquiry as to his qualification, and without taking any oath other than that he is the person named in such list, and has not before voted at such election, which oath the Mayor, or any Alderman or Councillor, or the Recorder of the said city, is hereby required and authorised to administer.

17. And be it enacted, That on the application of any person whose name shall be on the Voters' List for any ward, at any time on or after the fifteenth day of the said month of February, and until the close of the said elections, the City Clerk shall deliver to such person a certificate signed by him, that the name of such person is on the Voters' List for such ward, and that he is entitled to vote at the election to be held for Mayor of the said city, and for a Councillor or Councillors for such ward, and such certificate shall be deposited by the Voters in the City Hall in the manner hereinafter provided ; and no person shall be entitled to vote at the election without producing and delivering such certificate, although his name be on the Voters' List for the ward.

18. And be it enacted, That public notice shall be given by the City Clerk, in both languages, and in at least

one newspaper published in the English language, and in one published in the French language in the said city, of the time when the elections shall be held, and the said certificates may be deposited in the City Hall ; such notice being given at least three days before the election to which it shall refer ; but no want of or defect in such notice shall vitiate any election.

19. And be it enacted, That the election of Mayor and Councillors aforesaid shall annually take place and be held in manner following, to wit: The Corporation of the said city shall cause books to be prepared in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said city at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of February until Thursday intervening between the first and second Mondays in the month of March, in each year, both days inclusive ; that the said certificate shall be prepared and made out on a sheet of paper having two leaves thereto, on the inner one of which shall be printed or stamped blank lines, followed by the words, " For Mayor," and " For Councillor in the Ward," printed or stamped as follows, to wit :

For Mayor,

For Councillor in the                      Ward.

For Councillor in the                      Ward.

That the party entitled to the said certificate, and desirous of voting, shall fill up the said blanks, or, if unable to write, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Mayor of the said city and Councillor or Councillors thereof, as the case may be, for the Ward in which he is entitled to vote ; That the holders of the said certificates being the parties named therein, may produce the same to the City Clerk of the said city, in the City Hall thereof, at any time within the hours and periods hereinbefore specified,

Election of  
Mayor and  
Councillors.

and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said certificate, the holder thereof being the party named therein as aforesaid, may deposit the said certificate in a suitable and closed box, in the said City Hall, labelled with the name of the ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each ward of the said city; That at the time of producing and depositing the said certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote either as Mayor or Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said certificate and vote; That it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said city, or for the Recorder thereof, to administer the oath prescribed in the fifteenth section of this Act, to any party producing a certificate of qualification, and claiming a right to deposit the same and vote at the said election; And it shall be imperative on the said Mayor and Recorder, and on each and every Alderman and Councillor of the said city, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said city, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence; That the said nine boxes (one for each ward) shall severally be locked with five locks each; that each lock shall be different from the other, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; That the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said boxes cannot be opened unless in the presence of all the

members of the said Board; That immediately after the said Thursday intervening between the first and second Mondays in March, the said Board of Revisors shall meet in the City Hall, shall open the said boxes, and shall cause the entries and record of the City Clerk in the said books to be perfected, by entering and recording in the said books the names of the persons for whom each Voter shall or may vote, to be elected Mayor or Councillor as aforesaid; And the said Board of Revisors shall ascertain and report to the Council of the said city, at its next Quarterly Meeting, on the Monday, Tuesday or Wednesday following, or if prevented from so doing, then at its next Special Meeting, the total number of votes given for each candidate, the name of the candidate for the office of Mayor for whom the greatest number of votes shall have been given by the Voters in all the Wards, and the candidates for the offices of Councillors, for whom the greatest number of votes shall have been given in each of the said several Wards; and the said Council shall, after examination of the said books, certificates, and report of the said Committee, thereupon declare the parties having the greatest number of votes to be respectively elected Mayor and Councillors of the said city; and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office: *Provided,* that the newly elected members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing; and the said Mayor and Councillors elect shall afterwards respectively take the oaths prescribed by this Act; and the said books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the certificates produced and deposited by the said Voters, shall remain in the office of the City Clerk, where they shall be open to inspection by any elector, on payment of one shilling.

*Council to declare the parties having a majority of votes respectively elected Mayor and Councillors. Case of equality of votes.*

*Proviso.*

20. *Provided always,* That in the event of the decease or absence, from illness or otherwise, of any one or more of the members of the said Board of Revisors, the Council shall

*If any of the Revisors be dead or absent, others to be appointed in their stead.*

|   |  |
|---|--|
|   | appoint from among themselves, other Revisors in the stead of those who shall be so deceased or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed,  |
| To act for the purpose of the election only.  | and any member who shall be so appointed in the stead of an absent Revisor, shall only act as such for the purposes of the election which shall be then going on ; but if the Council shall be unable to appoint such other Revisors in the stead of those who shall have so deceased, or be absent as aforesaid, then it shall be lawful for the remaining members of the said Board, to perform all the duties in and by this Act directed to be done by the said Board of Revisors.   |
| If Council be unable to appoint Revisors in the stead of those who are absent, &c., duties to be performed by the remaining members of the Board. | 21. And be it enacted, That if any Revisor appointed under the provisions of this Act shall neglect or refuse to perform any of the duties required of him under the next preceding section, he shall incur a penalty of two hundred pounds currency.  |
| Penalty if Revisor neglects or refuses to perform duties.   |  |
| Mayor, his term of office.  | 22. And be it enacted, That the said Mayor so elected, shall continue in office as Mayor of the said city, until his successor in the said office of Mayor shall have been elected and sworn in ; And in case a vacancy shall occur in the office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting thereof after such vacancy, elect from among the members of the Council, another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to have served ; And if any person be elected at the same time Mayor of the said city and a Councillor for any of the wards thereof, he shall be held and bound to declare within four days after notice given to him of the said elections, which office he will accept: Provided that if he be not legally excused from accepting the office of Mayor, he shall be held |
| Case of a vacancy occurring in the office of Mayor.   | and bound to accept the same, and shall incur and pay a fine or penalty of one hundred pounds for non-acceptance thereof, and the said fine or penalty shall be incurred and paid, notwithstanding that he may, at the same time, accept   |
| Any person being elected Mayor and Councillor, to declare which office he accepts.  |  |
| Proviso.  |  |
| Penalty for non-acceptance.   |  |

the office of Councillor : Provided also, that if any person so elected Mayor and Councillor at the same time, shall accept the said office of Mayor, then a new election of Councillor shall be held for the Ward for which such person was elected Councillor, within a period to be appointed by the Mayor for that purpose, and in the manner, and subject to the same conditions, as are hereinafter provided for extraordinary vacancies in the said Council.

*Proviso: If the office of Mayor be accepted, a new election of Councillor to be held.*

23. And be it enacted, That each and every person who shall at any election of a Mayor or Councillor or Councillors to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall be armed with, or carry, or have in his possession any cane, stick, club, stave, bludgeon, axe-handle, or any other offensive instrument or weapon whatsoever, or who by violence, menace or malicious practice or in any manner or way whatsoever, shall or may impede or disturb, or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall and may be liable to be forthwith arrested on view, by any Justice of the Peace for the said City of Montreal, or by any Peace Officer or Constable, present on duty at any such election, or by warrant issued by any Justice of the Peace, and so arrested to be committed to safe custody or confined in the Common Gaol of the District of Montreal, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested for their future peaceable conduct, and that they shall duly appear and answer to any charge that may be made against them, and for or on account of which they may be so arrested; and each and every such person, on conviction of any of the offences hereinbefore enumerated, for which he may be so arrested on view or by warrant as aforesaid, shall forfeit and pay a fine or sum of money not exceeding twenty-five pounds current money of this Province, and be liable to an imprisonment not exceeding

*No person to carry flags, ribbons, or badges at elections.*

*Nor to act violently, nor disturb the election.*

*Under pain of being arrested anew and confined.*

*And of a penalty and imprisonment.*

three months' detention at hard labour in the Common Gaol or the House of Correction of the said district, for every such offence.

In what ward  
an elector may  
vote.

24. And be it enacted, That persons entitled to vote at the election of Mayor or Councillors as aforesaid, shall vote within the particular Ward in which the property constituting their qualification to vote shall be situated, and not otherwise ; and if any such person shall be possessed of property qualifying him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

Representation  
of the wards  
after the 1st  
March, 1852.

25. And be it enacted, That from and after the first Monday in the month of March now next, the said several Wards shall be represented in the Council of the said city by three Councillors, each independently and exclusively of the person to be elected Mayor as aforesaid ; that the said Mayor shall not continue in office without being re-elected longer than one year, and until his successor in office shall have been elected and sworn in ; and no Councillor elected or to be hereafter elected for any of the said Wards shall continue in office without being re-elected, for any longer period than three years ; that at the next annual election of a Mayor and Councillors in the said city, to be held in the City Hall thereof, between the fifteenth day of February now next, and the Thursday intervening between the first and second Mondays of the month of March following, the inhabitant householders and persons qualified to vote as aforesaid, shall elect from the persons qualified to be Councillors, two fit and proper persons to be Councillors for each of the said Wards hereinbefore designated as the Saint Anne's, the Saint Antoine, the Saint Lawrence, the Saint Lewis, the Saint James, and the Saint Mary's Wards respectively, and also from the persons qualified to be Councillors for each of the other three Wards, such number of persons as shall be required to supply the places of those who shall then go out of office ; and that on the first Monday of the month of March, in each and every year, that Councillor for each and every of the said Wards respectively, shall go out of office who shall have been member thereof for the longest time without

Mayor, how  
long to remain  
in office.

Councillors,  
their term of  
office.

Councillors to  
be elected at the  
next elections.

On the first Mon-  
day in March,  
in each year, a  
Councillor to go  
out of office, and  
which.

re-election : Provided that whenever any two Councillors are elected at the same time in any ward, that Councillor shall first go out of office who shall have been elected by the smaller number of votes ; And provided always, that whenever any two members of the Council for any of the said wards may be elected by an equal number of votes, then it shall be determined by a majority of the Council, which of the members thereof for such said wards shall go out of office : And provided further, that any member going out of office may be re-elected, if qualified according to the provisions of this Act.

Proviso.

Proviso.

Proviso : May be re-elected.

26. And be it enacted, That if at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one ward of the said city, he shall, within three days after notice thereof from the City Clerk, make his option, or, on his default, the Mayor of the said city shall declare, for which one of the said wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that ward only, and in no other.

No person to serve as Councillor for more than one ward.

27. And be it enacted, That to facilitate the decision of cases in which the right of any person to hold or exercise any office in the Corporation of the said city may be called in question, the Superior Court for the District of Montreal, sitting in Term, or at its weekly sittings for the cognizance of suits and actions of a civil nature, shall, on the information (*requête libellée*) of any citizen of the said city qualified to vote at the election of Councillor for some ward thereof, supported by affidavit to the satisfaction of the Court or of such Justices, and complaining that any person illegally exercises, or assumes, or attempts to exercise the office of Mayor, Alderman, or Councillor of the said city, have full power and authority to order the person so complained of to appear before such Court or Justices, and to shew by what authority he exercises, or assumes, or attempts to exercise such office ; and such order shall be served (with a copy of the information) upon the party complained of, at least three days before that on which such party shall be ordered to appear ; and the said

Superior Court in term, or at its weekly sittings, to try and adjudge cases under this Act.

Process.



Court shall have full power and authority thereupon to try and adjudge upon the right of the person so complained of to exercise the office in question, and to make such order in the case, and to cause (if need shall be) such writ of *Mundamus* or order to be addressed to the Corporation of the Mayor, Aldermen and Citizens of Montreal, as to right and justice may appertain; and such order or writ shall be obeyed by the said Corporation, and by all other parties whatsoever, and from the judgment of the said Court in any such matter as aforesaid, there shall be no appeal; and the said Court shall have full power to tax and award such costs against any party as in their discretion they shall deem right: Provided always, that so far as may be consistent with this Act, the forms of proceeding in any such case as aforesaid, shall be as summary as may be consistent with a due examination into the merits of the case: And provided also, that the authority and powers conferred by this section on the said Superior Court in Term, or at its weekly sittings, shall apply to cases where the party complained of, exercised, or assumed, or attempted to exercise the office in question before the passing of this Act; and that any proceedings commenced in Term before the Court may be continued before the weekly sittings of the said Court; and any proceedings commenced before the said Court in the weekly sittings thereof, may be continued before the said Court in Term.

Proviso.

Proviso.

Mayor to appoint a day for elections.

28. And be it enacted, That whensoever hereafter it may happen that from any cause whatsoever, an election for a member or members of the said Council of the said city shall not take place for any ward or wards of the said city at the time fixed therefor by law, or appointed therefor by the Mayor of the said city, it shall be lawful for the said Mayor, as soon thereafter as expedient, to appoint a period within which an election or elections, in lieu and place thereof, shall be held and take place, in the City Hall of the said city, in the manner hereinafter prescribed.

Four quarterly meetings in each year, of three days each.

29. And be it enacted, That there shall be in each year four Quarterly Meetings of the said Council, which shall be held on the following days, that is to say, on the second Mon-

day of the months of March, June, September and December, in each and every year ; and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included.

30. And be it enacted, That the Mayor, Aldermen and Councillors of the City of Montreal, who shall be in office when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act ; and the person who shall so be the Mayor of the City of Montreal at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act ; and on the first Monday in March in each and every year, one of the Members of the Council for each Ward shall go out of office ; and on the first Monday in March now next, and on the first Monday in March in each succeeding year, those Members of the Council for each Ward respectively shall go out of office who shall have been Members thereof for the longest time without re-election : Provided always, that if on the first Monday in March next, or in any succeeding year, there shall be a vacancy or vacancies in the office of any Member or Members of the Council for any Ward, who would not, under the provisions of this section, have gone out of office on that day, then a Member or Members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the Member who shall then go out of office under the provisions of this section : And provided also, that it shall be allowable for any Member of the said Council to resign his said office of Councillor, and vacate his seat in the said Council, if the reason assigned by him for so doing be considered good and sufficient, and his said resignation be accepted of by not less than two-thirds of the Members composing the said Council. And if in any year, the first Monday in March be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

Mayor, &c., now in office, to continue in office.

One member for each ward to go out of office in March every year.

If at such election a further vacancy should occur, another member to be elected.

Case of a holiday.

31. And be it enacted, That at the first Quarterly or Special Meeting of the Council of the said city, after the election of Members thereof next year, and each subsequent

Election of Aldermen.

Alderman going out of office may be re-elected.

Extraordinary vacancies in Council, how to be filled up.

Period for which such person shall be elected.

Limitation of period for holding such extraordinary election.

Vacancies among the Aldermen, how supplied.

year, the said Council shall elect from among the Members of the said Council, so many as may then be requisite, with those Aldermen remaining in office, to make the number of nine, (if so many Members there be duly qualified, and if there be not, then such less number as may be so qualified,) to be Aldermen of the said city, until the time when they shall respectively cease to be Members of the said Council under the provisions of this Act, and no longer: Provided always, that any Alderman going out of office, in any year, may, if re-elected as a member of the Council, at the next or any subsequent election of Councillors, be re-elected as an Alderman.

32. And be it enacted, That if, after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said city, for any Ward thereof, the inhabitant householders and persons qualified to vote in the Ward for which such vacancy shall have occurred, shall, within a period to be appointed by the Mayor, after such vacancy shall have occurred, elect from the persons qualified to be Members of the Council, a person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions in this Act contained, with respect to other elections of Members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would, in ordinary course, have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year: And provided also, that as soon as any such extraordinary vacancy in the office of Member of the said Council shall have been supplied, if the Member of the Council whose office so became vacant, was an Alderman, it shall be lawful for the said Council to elect from the Members of the said Council, qualified to be Aldermen, a person to be Alderman in the room of the Alderman whose office may have so become vacant.

33. And be it enacted, That whenever and so long as the Mayor of the said city may be absent from the said city, or from sickness be incapable of discharging the duty of Mayor of the said city, the said Council shall elect from the Aldermen of the said city, one who shall, during such absence or sickness of the Mayor of the said city, have all the power, authority and rights vested by law in the Mayor of the said city, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the Mayor of the said city; and whenever and so often as a vacancy shall occur in the office of Mayor of the said city, the said Council shall elect from among the Aldermen thereof, one who shall, during such vacancy, act as Mayor of the said city, and shall, until such vacancy be filled up, have all the authority, power and rights vested by law in the Mayor of the said city.

In case of absence or sickness of the Mayor, Council to elect an Alderman to act in his place.

34. And be it enacted, That at any Quarterly or Special Meeting of the said Council after the election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-two, and in each succeeding year, the said Council shall appoint as many Assessors for the said city, not exceeding nine in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services, as they the said Council may deem fitting; and the said Council may order and determine in what and how many wards the said Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such, throughout the whole city limits; and it shall be the duty of the said Assessors to make the Assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said city, in like manner as the same has been hitherto done in the said city; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by law, base their proceeding, estimate or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but that they the said Assessors shall be, and they are hereby re-

Council to appoint Assessors.

May remunerate them.

CITY CHARTER AND OTHER ACTS.

Assessment to be made on the actual value of property.

quired to determine the assessment to be made by them on all such property, upon the actual and *bonâ fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the Assessment to be paid thereon, upon and according to the rent, which the said property may be worth, and ought to obtain, were the same to be leased, at a fair and equitable rental, by the said proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said city, shall be assessed in all their depth, to their whole extent, and at their full value, that is to say, on the interest of the actual value thereof.

Assessors to be sworn.

35. And be it enacted, That every person to be appointed Assessor as aforesaid, shall, before he begin to act as such, or execute the duties of his said office, take the oath of allegiance, and also the following oath, before the Mayor of the said city, or any two Members of the Council thereof, that is to say:

Oath.

"I, \_\_\_\_\_ having been appointed Assessor for the said City of Montreal, or for the said \_\_\_\_\_ Ward of the said city (*as the case may be*), do swear that I will faithfully, impartially, honestly and diligently execute all the duties of the said office, according to the best of my skill and knowledge. So help me God."

For what period Assessors may act.

36. And be it enacted, That notwithstanding any thing to the contrary in any Act or Law heretofore passed, or in force in this Province, it shall not be necessary for the Assessment in the said city to be made between the tenth day of May and the tenth day of June in each year, but that the powers and authority of the Assessors elected and appointed or to be hereafter elected and appointed under and by virtue of this Act, shall be and continue in force, and may be exercised for and during the period and term of their election and

appointment, to wit, until the first Monday in March in the year next following their said election and appointment.

37. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings composed of not less than two-thirds of the Members thereof, to make a By-law or By-laws, which shall regulate and determine the time when the Assessors of the said city shall annually commence their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the Assessments to be levied and obtained in the said city, and the time and manner in which they may or shall correct their said return, by extending the same, and adding thereto the names of any parties omitted or who shall have become known to the said Assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to pay any Assessment, Tax or Duty to the said city, at any time after the said general return shall or may have been made; and in the event of any vacancy or vacancies occurring in the office of Assessor or Assessors, by the non-election of any Assessor or Assessors, at the time fixed by law therefor; or by the absence or death of any person or persons elected or appointed to that office, or by the refusal or inability of any Assessor or Assessors elected or appointed, to attend to, perform and fulfil the duty or duties which he or they are or may be bound or required by law to attend to, perform and fulfil, it shall and may be lawful for the said Council, at any Quarterly or Special Meeting thereof, to elect, nominate and appoint one or more competent and duly qualified person or persons to fill and supply such vacancy or vacancies.

Council to make  
By-laws relating  
to Assessors.

38. And be it enacted, That at the Quarterly Meeting to be held by the said Council in the month of December in the year one thousand eight hundred and fifty-two, and at the Quarterly Meeting to be held by the said Council in the month of December of every succeeding year, the Members of the said Council shall elect, by a majority of votes, from the persons qualified to be Councillors, two persons who shall be, and be called Auditors of the said City of Montreal; and every

Election of  
Auditors.

Their qualifica-  
tion and term of  
office.

Disqualification  
of certain per-  
sons to be Au-  
ditors.

Vacancy in  
office of Audi-  
tors, how filled  
up.

Oaths to be  
taken by the  
Mayor, Alder-  
men or Coun-  
cillors.

Oath.

Fines for non-  
acceptance of  
office.

such Auditor shall continue in office until the second Monday in the month of March in the year following his election : Pro-  
vided always, that no Member of the said Council, nor the Clerk, nor Assistant Clerk of the said city, shall be capable of being elected an Auditor as aforesaid : And provided further, that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any subsequent General or Special Meeting ; and the person so elected, shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

39. And be it enacted, That no person elected to be Mayor, Alderman or Councillor as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the said oath to each other), the oath of allegiance to Her Majesty, Her Heirs and Successors ; and also an oath in the words or to the effect following, that is to say :

“ I, A. B., having been elected Mayor (*or Alderman or Councillor, as the case may be*) for the City of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized or possessed, for my own use, of real or personal estate, or both, in the said City of Montreal, after the payment or deduction of my just debts, of the value of One Thousand Pounds (*or Five Hundred Pounds, as the case may be*), and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Alderman, *or Councillor, as the case may be*), as aforesaid : So help me God.”

40. And be it enacted, That every person duly qualified, who shall be elected to the office of Mayor, Alderman or Councillor, or appointed Assessor or Auditor, of the said

city as aforesaid, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said city, and for the use of the said city, a fine as follows, that is to say: for non-acceptance of the office of Alderman or Councillor, a fine of Fifty Pounds; for non-acceptance of the office of Auditor or Assessor, a fine of Fifty Pounds; and for non-acceptance of the office of Mayor, a fine of One Hundred Pounds; and every person so elected or appointed, shall within four days after notice of his election or appointment, accept such office by taking the oath of allegiance, and in the case of the Mayor, Aldermen and Councillors, by making and subscribing the declaration hereinbefore mentioned, and in the case of the Assessors and Auditors, by taking and subscribing the oath hereinbefore prescribed, and in default thereof shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed: Provided always, that any person not qualified to make the said declaration, may be permitted and shall be held and bound to make oath that he is not seized or possessed of real or personal estate, or both, in the terms of the said declaration, of the value of One Thousand Pounds, or Five Hundred Pounds, *as the case may be*, in which case, but not otherwise, he shall be exempted from accepting or filling the said office: Provided also, that no persons disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid: And that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election from the City Clerk: And provided also, that no Military, Naval, or Marine Officer, in Her Majesty's Service, on full pay, nor any Member of the Legislature of this Province, or of the Executive Council, nor any Surveyor

As Alderman or Councillor, as Auditor or Assessor, as Mayor.

Acceptance of office to be made by taking oaths, &c.

Persons not qualified, to swear to their non-qualification.

Exemption from said offices.



General, Adjutant General of Militia, or Provincial Secretary, nor the Provincial Postmaster General, or his Deputies, nor any Custom House Officer, Sheriff, or Coroner, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept or hold any such office as aforesaid, or any other office in the said city.

Cases in which the Mayor, Aldermen or Councillors shall become disqualified.

41. And be it enacted, That if any person holding the office of Mayor, Alderman, or Councillor, shall be declared Bankrupt, or shall become insolvent, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or shall take or enter into Holy Orders, or become a Minister or Teacher of any Religious Sect, or a Judge or Clerk of any Court, or a Member of the Executive Council, or shall become accountable for the City Revenue, or receive any pecuniary allowance from the city for his services, or shall be absent from the said city for more than two calendar months at one and the same time, or shall be absent from the Meetings of the said Council for more than two calendar months consecutively, (unless in case of illness, or with leave of the Council) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman, or Councillor, as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Mayor, Aldermen, and Councillors to be Justices of the Peace.

Mayor to have a salary.

42. And be it enacted, That the Mayor of the said city for the time being, shall be Justice of the Peace for the City and District of Montreal: and that the Aldermen and Councillors of the said city for the time being shall severally be Justices of the Peace for the said City of Montreal, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said city, to grant and allow to the said Mayor, for the time being, in lieu of all fees and perquisites, such salary not exceeding Five Hundred Pounds, and not less than Two Hundred Pounds, as the said Council shall think fit.

Council to name City Clerk.

43. And be it enacted, That it shall be lawful for the said

Council of the said city, from time to time, as occasion may require, to appoint a fit and proper person, not being a Member of the Council, to be Clerk of the said city, and another fit person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said city: one or more fit person or persons, not being of the Council, to be the Clerk or Clerks of the Markets of the said city; and one or more Surveyor or Surveyors of highways, streets and bridges; and such number of Overseers of highways, streets and bridges, as they may deem necessary; and one Collector for each of the Wards of the said city; one or more Pound Keeper or Pound Keepers for the said city, and such other Officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer, and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer or other officer, as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer and other officer, to be appointed as aforesaid, such salary, aid, allowance or other compensation for their services, as they may think fit; and whenever and so long as the said Clerk of the said city may be absent from the said city, or, from sickness or any such cause, be incapable of discharging the duties of the office of the said City Clerk, it shall be lawful for the Mayor of the said city, by a writing under his hand, to appoint a fit and proper person to be Assistant Clerk of the said city; and every such Assistant Clerk shall, during the time for which he may be so appointed, discharge the duties of the office of the said City Clerk; and all acts, matters and things done by the said Assistant City Clerk, during the time of his appointment, shall have the same force and effect as if performed by the City Clerk of the said city.

City Treasurer,  
Clerks of Mar-  
kets.

Surveyors of  
Highways.  
Overseers.

Collectors.

Pound keepers  
and other  
officers.

To prescribe  
duties.

Security to be  
taken.

Salaries to be  
given.

In case of ab-  
sence or sick-  
ness of City  
Clerk, Mayor  
may name As-  
sistant Clerk.

44. And be it enacted, That so much of a certain Act of the Legislature of the heretofore Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late

Powers of Treas-  
urer, Assessors,  
Surveyors, &c.,  
under 3 George  
III, c. 3. (L. C.)

Majesty King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes*, as provides for the appointment of Assessors and of a Road-Treasurer for the said City of Montreal; and also a certain Act of the Legislature of the said heretofore Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said heretofore Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,"* as provides for the appointment of a Surveyor of the highways, streets, lanes and bridges in the said City of Montreal, by the Governor, Lieutenant Governor, or person administering the Government of the said heretofore Province of Lower Canada, and which were repealed by the said Ordinance to incorporate the City and Town of Montreal, shall continue to be, and shall be and remain repealed; and all and every the powers, authority and duties, which, in and by the said Acts, or any other Act or Acts of the Legislature of the said heretofore Province of Lower Canada, were before the passing of the said Ordinances to incorporate the City and Town of Montreal, vested in, and imposed on, the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road-Treasurer, and of the said Surveyor of Highways, Streets and Bridges in the said city, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinances to incorporate the City and Town of Montreal, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance and on the Treasurer of the said city, and on the Surveyor of Highways for the said

9 Geo. IV, c. 16.  
(L.C.)

39 Geo. III, c. 5.  
(L.C.)

Transferred to  
the same officers  
appointed under  
this Act.

City of Montreal; appointed respectively under the authority of the last mentioned Ordinance, shall continue to be, and shall be and remain vested in, and imposed on the Assessors, Treasurer of the said city, and on the Surveyor of highways for the said City of Montreal, respectively, who may be in office under the authority of the said last mentioned Ordinance when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of the present Act: Provided always, that all duties that may be performed by the said Assessors, may be performed with equal force and effect by a concurring majority in number of the said Assessors, and that in all cases where there may be a difference of opinion among the said Assessors, the opinion of a concurring majority in number of them, any two or more shall have the same force and effect as if the whole of the said Assessors had concurred: and if the said Assessors, acting without a third, or preponderating Assessor, differ in opinion, the third, remaining or preponderating Assessor shall examine the premises respecting which such difference of opinion may have occurred, and by his opinion confirm that of one or other of the Assessors or divisions of Assessors who may have so differed, and the opinion so confirmed shall have the same force and effect as if the three or more Assessors had concurred in it; and in each of the cases above mentioned, and in every other such case, the Assessor or Assessors dissenting may make an entry in the Assessment Books of the reasons of his or their dissent.

The duties of Assessors may be performed by a majority of them.

Case of difference of opinion, how met.

45. And be it enacted, That the Treasurer of the said city, shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received or paid, as such Treasurer, and the several matters for which such sums shall have been received or paid; and the Books containing the said accounts shall, at all seasonable times, be open to the inspection of any of the Aldermen or Councillors of the said city; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, on the first day of February in each and every year, be submitted by such Treasurer to the Auditors elected for the said city as afore-

Treasurer of the city, his duties.

Accounts to be annually submitted to the Auditors and to the Council for examination and audit.

Abstract of accounts to be annually printed.

said, and to such Members of the said Council, as the Mayor of the said city shall name; and the said Books of accounts, accounts and all vouchers and papers relating thereto, shall, from the first to the last day of February, inclusively, in each and every year, be open to the examination of the said Auditors, and Councillors to be named by the Mayor, for the purpose of the said Books and accounts being examined and audited for the year preceding such annual examination; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited, in the month of February in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, and copies thereof shall be delivered to all rate-payers of the said city applying for the same, on payment of a reasonable price for each copy.

On what orders Treasurer may make payments.

46. And be it enacted, That the Treasurer of the said city shall not pay any moneys, in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said city, signed by three or more Members of the said Council, and countersigned by the Clerk of the city, or in pursuance of a Judgment or Order of any Court of Justice.

City officers to render detailed accounts.

47. And be it enacted, That the Clerk, Treasurer and other Officers of the said city, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing, of all matters committed to their charge, by virtue or in pursuance of this Act; And also, of all moneys which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such pay-

ments : and every such Officer shall pay all such moneys as shall remain due from him to the Treasurer, for the time being, or to such person as the said Council shall authorize to receive the same ; And if any such Officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all Books, Documents, Papers, and Writings in his custody or power as such Officer as aforesaid, then, and in every such case, on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such Officer shall reside or be, such Justice of the Peace shall be, and is hereby authorized and required, to issue a Warrant under his Hand and Seal, for bringing any such Officer before any two Justices of the Peace for such District or County ; And upon the said Officer appearing, or not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner ; And if it shall appear to such Justices, that any moneys remain due from such Officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by Warrant under their Hands and Seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such Officer ; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Accounts, or the Vouchers relating thereto, or that any Books, Documents, Papers, or Writings which were or are in the custody or power of such Officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required, to commit such Officer to the Common Gaol or House of Correction for the District or County where such Officer shall reside or be, there to remain without bail,

To pay over all moneys by them due.

How they may be proceeded against for refusal or neglect of such duty.

Judgment to be obtained in a summary manner.

In default of payment, the party may be imprisoned.

|   |   |
|---|---|
| Term of imprisonment limited.   | <p>until he shall have paid such moneys as aforesaid, and shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, and until he shall have delivered up such Books, Documents, Papers and Writings as aforesaid, or have given satisfaction in respect of the matters aforesaid, to the said Council: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid or against any surety for any such Officer.</p>  |
| Remedy by action not to be abridged against such officer or his surety. | <p>48. And be it enacted, That in all meetings of the said Council, to be held in pursuance of this Act, a majority of the Members present at such Meeting shall determine all questions and matters submitted to, or under the consideration of the said Council, provided that the number present at the said Meeting be not less than one-third part of the whole number of the said Members of the said Council; And at all such Meetings, the Mayor of the said city, if present, shall preside, and in case of his absence, such Alderman, or, in the absence of all the Aldermen, such Councillor as the Members of the Council so assembled shall choose to be Chairman of any such Meeting, shall preside at the same; And in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a Member of the Council, nor unless the votes be as aforesaid equally divided.</p> |
| At meetings of Council, majority to decide all questions.               |   |
| Who shall preside.  |   |
| Casting vote to member presiding.                                       |   |
| Special meetings, how called.   | <p>49. And be it enacted, That it shall be lawful for the Mayor of the said city, or, in case of his absence from the said city, or sickness, for the Alderman of the said city, elected in the manner hereinbefore provided to fill his place, to call a Special Meeting of the said Council, when and as often as the said Mayor, or, in case of his absence or sickness as aforesaid, the said Alderman of the said city, may deem it proper, after three days' previous notice thereof; and in case the said Mayor, or the said Alderman, during the absence or</p>   |
| In case of refusal by the Mayor to call such meetings, five             |   |

sickness of the said Mayor as aforesaid, shall refuse to call any such Meeting, after requisition for that purpose, signed by five or more Members of the said Council, or in case of the absence or sickness as aforesaid of the said Mayor and of the said Alderman at the same time, it shall be lawful for any five or more Members of the said Council to call a Meeting of the said Council, after three days' previous notice, which notice shall be signed by the said Members; And every such notice, whether given by the Mayor, or by the said Alderman, or by any five or more Members of the said Council, shall specify the business for which the proposed meeting is to be held; and in all cases of such Special Meetings as aforesaid, a Summons, to attend the Council, summarily specifying the business to be transacted at such Meetings, and signed by the City Clerk, shall be delivered to every Member of the said Council, or shall be left at the usual place of abode of every Member of the said Council, three days at least before such Meeting.

members may call a meeting after certain notice.

Business before such meetings to be specially mentioned in such notice.

50. And be it enacted, That the Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a Book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Councillor presiding at such Meeting, and the said Minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said Meetings shall be held with open doors, and all extracts from the Book required to be kept by this section of this Act, and all copies of entries therein, and generally all Certificates, Deeds and Papers signed by the Mayor of the said city, and countersigned by the City Clerk of the said city, and under the Seal of the said city, shall, in all Courts of Justice in this Province, be taken and received as *prima facie* evidence of the facts set forth in such Extracts, Copies, Certificates, Deeds and Papers, respectively.

Minutes of proceedings at meetings to be kept.

Meetings to be held with open doors.

Copies of entries, certified by the Clerk and under the City Seal, to be deemed as *prima facie* evidence.

51. And be it enacted, That at any Quarterly or Special Meeting of the said Council of the said City of Montreal, when the business before the meeting cannot be gone through with, or be fully disposed of, it shall be competent to the said

Council may hold adjourned meetings.



Council to adjourn the said meeting from time to time and as often as may be necessary or be thought expedient by the said Council, for the consideration and disposal of the said unfinished business ; but that no new business shall be brought before, or be considered at, any such adjourned meeting, or any other subject or business than the unfinished business of the previous meeting : that it shall not be necessary to give notice of any such adjourned meeting to any Members present at the time of the adjournment of the said Council, but that notice thereof and of the unfinished business to be considered and transacted thereat, be given in all possible cases, to the Members of the said Council not present at the said adjournment ; and for that purpose, that, except in cases of great emergency, no adjourned meeting be held within less than twelve hours' delay from the time of the adjournment of the preceding meeting.

Council may  
name commit-  
tees.

52. And be it enacted, That it shall be lawful for the said Council to appoint, from and out of the Members comprising such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Certain powers  
formerly vested  
in magistrates,  
to be exercised  
by the Council.

53. And be it enacted, That all and every the powers and authorities which, in and by any Act of the Legislature of the heretofore Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Montreal, had been, and were at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses,

sewers, market-houses, and weigh-houses, and other public erections and works in the said City of Montreal, or any of them, and for, touching and concerning the dividing of the said city into divisions, and the appointment of Overseers of highways, streets and bridges in the said city, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for, a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Montreal, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Montreal, became and was vested in the said Council of the said City of Montreal, shall continue to be vested in and exercised by, and shall be and remain vested in, and exercised by the said Council of the said City of Montreal; and all real and personal property within the said city, which, before the passing of the said Ordinance to incorporate the City and Town of Montreal, were subject to the management, control or authority of the Justices of the Peace for the said District of Montreal, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become, and are subject to the power, authority, order and control of the said Council of the said city, shall continue to be, and shall be and remain, subject to the power and authority, order and control, of the said Council of the said city; and the said Council shall, moreover, have the exclusive power to grant or refuse Ferry Licenses to persons plying as Ferrymen to the said City of Montreal from any place within nine miles of the said city; any law, usage or custom to the contrary notwithstanding.

Council to  
grant ferry  
licenses.

54. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to borrow, on the credit of the said city, such sum or sums of money as the said Council of the said city may think proper to borrow on the credit of the said city: Provided always, that the total amount borrowed, and remaining unpaid, exclusive and independent of the amounts due, or to become due, for the purchase of the Montreal Water Works, authorized to be made in and by the

Council authorized to borrow to a certain extent.

City revenues charged with the payment of such debt and all other debts contracted by the Council.

Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works*, shall not exceed at any one time the sum of One Hundred and Fifty Thousand Pounds, currency ; and all and every public moneys raised, or to be raised, by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said city, as well as all other moneys hereafter to be raised or received by and under the authority of that Act, or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said city, and with the payment of the sums of money which have been already borrowed by the said Council of the said city, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and owing by the said Council of the said City ; and all sums of money heretofore legally borrowed by the said Council of the said city, and still remaining unpaid, and all sums of money hereafter to be legally borrowed by the said Council of the said city, and generally all debts now legally due or hereafter to be legally due by the said Council of the said city, shall be payable from and out of all or any moneys that may be raised or received by the said Council, under the authority of this Act, or under the authority of any other Act now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever.

Corporation may borrow a further sum, for the extension and improvement of Water Works.

55. And be it enacted, That for the purpose of extending and improving the said Water Works, it shall and may be lawful for the said Corporation of the said city, to borrow over and above the sum of One Hundred and Fifty Thousand Pounds, current money aforesaid, to which the said Corporation is limited in the next preceding section of this Act, such sum or sums of money not exceeding the sum of Fifty Thousand Pounds current money aforesaid, in all, as the said Corporation may find it necessary or expedient to borrow for the

extension and improvement of the said Water Works, and it shall and may be lawful for the said Corporation to issue under the Hand of the Mayor, and the Seal of the Corporation, Debentures or Corporation Bonds, for the sum or sums of money to be so borrowed as aforesaid for the extension and improvement of the said Water Works, payable at such time and times after the granting and issuing thereof, to the bearer thereof, either within this Province, or any place or places without this Province, and either in the currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, which said Bonds shall bear interest payable semi-annually, on the first days of May and November in each year, and at a rate not exceeding six per centum per annum, and all such Debentures or Bonds may have *Coupons* thereto annexed, for the said half yearly interest thereon, which *Coupons* being signed by the Mayor shall be respectively payable to the bearer thereof when the half yearly interest therein mentioned becomes due, and shall on payment thereof be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation shall be *primâ facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such Debentures or Bond, and all the provisions of this section shall apply as well to the Debenture or Bonds, heretofore issued, as to those to be issued after the passing of this Act, and all such Debentures or Bonds, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by special privilege on the said Water Works, immediately next in order to and after extinction by payment of the Debentures or Bonds already issued for the purchase of the said Water Works under and by virtue of the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and all the privileges and advantages granted and secured to the said Debentures or Bonds, already issued as aforesaid for the purchase of the said Water

May issue debentures, &c.

To bear interest.

*Coupons* of debentures, &c.

Possession of *coupons*, to be evidence of payment of interest, in a certain case. Debentures to come under this section.

To be secured on general funds, &c.

7 Vict., c. —, cited.

Privileges of said Act in favor of Bonds already issued extended to

|  |  |
|--|--|
| those to be issued under this Act.                               | Works, in and by the above mentioned Act, shall be and the same are hereby extended to, granted and secured for and in favour of the Debentures or Bonds which shall or may be hereafter issued by the said Corporation in pursuance of this Act: Provided that nothing herein contained shall be held or construed to affect or destroy the priority of privilege of the said Bonds so as aforesaid already issued for the purchase of the said Water Works.  |
| Proviso: as to priority of privilege.                            |  |
| A rate or assessment to be levied for supplying water.           | 56. And be it enacted, That it shall and may be lawful for the said Corporation, when and so soon as they are prepared to supply the said city or any parts thereof with water, to specify and declare by a By-law, that the proprietors or occupiers of houses, stores and similar buildings in the said city, or in such parts thereof as they are ready to supply as aforesaid, or both the said proprietors and occupants shall by reason thereof be subject to an annual rate or assessment payable at the periods to be fixed by the said By-law, to the said Corporation, which rate or assessment shall not however be made payable before the water is ready to be supplied to the said proprietors or occupiers by the said Corporation, and shall not exceed One Shilling and Six pence in the Pound on the assessed annual value of the said houses, stores and similar buildings, and the said rate or assessment shall and may |
| Who is to be subject to such rate.                               | be imposed upon, and shall be payable by all such proprietors and occupiers, as well by those who consent as by those who refuse to receive into their houses, stores or other buildings, the water-pipe to receive the same, but such rate or assessment shall not be payable by the proprietors or occupiers of any such house, store or building, in the said city, until after the said Corporation shall have notified him, that they are prepared and ready to supply such house, store or building, with water; and if from the time of such notification, to the next period appointed for the payment of such rate or assessment, there shall be any broken period, then such rate or assessment shall be payable <i>pro rata</i> , for such broken period as if accruing day by day; but the rate per annum shall not exceed that limited by this Act: Provided that no other or   |
| Rate, when payable.  | further charge than the said rate or assessment shall be made.   |
| Not to exceed 1s. 6d. in the pound, &c.                          |  |
| By whom paid.  |  |
| Notice to be given.  |  |
| For a broken period, the rate to be in proportion.               |  |
| As to the rate per annum. Proviso: no further charge to be made. |  |

for the supply of the water as aforesaid, any thing in the said last mentioned Act to the contrary notwithstanding: And Provided also, that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Corporation, and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers, if required by them.

Proviso: as to who shall bear certain expenses

57. And be it enacted, That the said Corporation shall have power to make special agreements with parties interested for the supply of water for any Steam Engine, Baths, Breweries, Distilleries, Manufactories, Livery Stables, Hotels, or other special cases: And in all cases where any party receiving or entitled to receive a supply of water from the said Corporation, shall neglect or refuse to pay the said rate or assessment, it shall be lawful for the said Corporation to turn off the water from the premises of the said party, and to discontinue the supply of water to the said party; but the said party shall notwithstanding continue to be liable for, and shall be bound to pay the said arrears, and likewise the rate or assessment thereafter to become due under the said By-law.

Corporation may make special agreements, in certain cases, for the supply of water.

Supply of water may be discontinued for non-payment.

Party to remain liable to arrears and subsequent rates.

58. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make By-laws, which shall be binding on all persons for the following purposes, that is to say:

Council to make By-laws for certain general purposes.

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said city, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said city, obstructive of, or opposed, or disadvantageous to, the good rule, peace, welfare, improvement, cleanliness, health, internal economy or local government of the said city.

For the cleanliness, health, and local government of the city.

For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said Council is now, or may be hereafter invested, either

For raising and applying moneys, by tolls, rates, or assessments.

by imposing tolls and rates, to be paid in respect of any Public Works within the said city, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said city, or upon the owners or occupiers thereof in respect of such property, provided that such assessment may in any one year, amount to, but shall not exceed (excepting as hereinafter provided) One Shilling and Six pence in the Pound on the assessed yearly value of the property, liable to such assessment; and by imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on Merchants and Dealers and the Agents of all such resorting to, or visiting the city, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement, or in any other manner or way whatsoever, and on all hawkers, pedlars, and petty chapmen within the city; and on all proprietors, owners, agents, managers or keepers of Theatres, Circuses or public entertainments, Exhibitions or shows of any kind; or of horses or carriages of any kind kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of dogs within the said city; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said city, and the premises occupied by any and all such; on Bankers, Banks and all agents of Bankers or Banks and the premises occupied by all such, and on all Banking Institutions, and all premises occupied as Banks, Bank agencies, or for Banking purposes of any kind whatsoever, in the said city, except that particular class of Savings Banks in the said city which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the Stockholders, which said class of Savings Banks are hereby exempted from any special rate or assessment, other than the ordinary rate or assessment levied on all real property in the said city; on all Forwarding Merchants or Forwarders and the agents of all such, and all premises occupied by them; on all Brokers and money

Or duties on  
public houses,  
retailers of spi-  
rituous liquors,  
pedlars,

Theatres, &c.,  
horses, carri-  
ages, billiard  
tables, dogs,

Wholesale and  
retail dealers,

Banks,

Forwarders,

Brokers,

changers and the agents of all such, and the premises occupied by all such Brokers, money-changers or their agents in the said city; on all Insurance Companies, and all agents of, or for any Insurance Company or Companies in the said city, and all premises occupied by such Insurance Companies, or by any agent or agents of, or for any such in the said city; on all agents of merchants residing in any other city or place in this said Province, or elsewhere; on all Telegraph Companies and the agents of all such in the said city, and on the proprietors of all Telegraph wires or means of communication in the said city, or passing through any part thereof; on all Gas Companies, and the premises used and occupied by all such within the said city; on all keepers of Eating Houses, Coffee Houses and Ordinaries; on all Auctioneers, Grocers, Bakers, Butchers, Hucksters, Pawnbrokers, Livery Stable Keepers and Carters; on all Traders and Manufacturers, and the agents of all such; on all Brewers, Distillers, Soap or Candle Manufacturers; on all Camphine or other Oil Manufacturers; on all Ginger Beer, Spruce Beer and Root Beer Brewers, and the Agents and Agencies of any and all such; on all Brick Manufactures, Dealers in Wood and Proprietors or Keepers of Wood Yards; on all Proprietors and Keepers of Tanneries and Slaughter Houses in the city, on all Inspectors of Pot or Pearl Ashes, of Beef, Pork, Flour, Butter, or any other produce, articles or effects whatsoever in the said city, and generally on all trades, manufactories, occupations, business, arts, professions or means of profit, livelihood or gain, whether herein before enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the city; on all persons by whom the same are or may be carried on, exercised or put in operation therein, either on their own account or as Agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as Ferry-men to the said city or plying for hire for the conveyance of persons by water to the said city from any place not more than nine miles distant from the same.

Insurance companies.

Agents,

Gas companies,

Coffee houses,

Auctioneers, &amp;c.,

Manufacturers,

Brewers and distillers, Chandlers,

Brick makers,

Inspectors of ashes, &amp;c.,

All trades and business generally,

Ferry-men.



To increase  
commutation  
money, or to  
exempt parties  
therefrom.

For increasing the amount of the commutation money payable by each person liable to statute labour on the highways within the said city, to any sum not exceeding five shillings, currency, for each person so liable; and for obliging each and every person, so liable, to pay the amount of such commutation money so fixed, without being allowed to offer his personal labour on the said highways instead thereof, and for exempting from the payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

To change sites  
of market  
places when  
necessary.

For changing the site of any market or market-place within the said city, or to establish any new market or market-place, or to abolish any market or market-place, now in existence, or hereafter to be in existence in the said city, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council respecting any such market or market place, any remedy such party may, by law, have against the Corporation of the said city, for any damage by such party sustained by reason of such act.

Saving the  
rights of parties  
aggrieved.

To determine  
powers of  
Clerks of Mar-  
kets and other  
officers employ-  
ed about the  
markets.

For determining and regulating the powers and duties of the Clerks of the Markets in the said city, and of all other officers and persons employed, or to be employed by the said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said markets, or upon the said market-places; and for imposing, regulating, fixing and determining the duties, taxes or rates to be paid by any person or persons selling or retailing, in or at any of the said markets, any provisions, vegetables, butchers' meat of any kind, grain, fowls, hay, straw, fire-wood or any other thing or things whatever; and for regulating the conduct of all persons buying or selling in or at any of the said markets; and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said

To let stalls, and  
regulate the sale  
of articles on  
the markets.

Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale in or at any such market.

For regulating all vehicles of every kind whatever in which any articles shall be exposed for sale in any public market, or in any street or public place, within the said city, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid.

To regulate vehicles in market, and impose duties thereon.

For establishing a Board or Boards of Health for and within the said city, and for appointing the Members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious and infectious disease, or for diminishing the danger of, or arising from the same.

To establish a Board of Health.

To confer upon and to convey to the said Board of Health all the privileges, power and authority in relation to the duties of the said Board, and all Orders to be made, and all things to be done by the said Board, as are possessed by the said Council, and the said Council is itself invested with in reference to health.

To confer certain privileges on the Board of Health.

To prohibit interments within the limits of the said city, or any particular section thereof, or within any particular burying-ground, vault or other place therein; to compel the taking up or the removal and re-interment out of, and beyond the said city, of any Body interred within the said limits contrary to such prohibition: Provided that nothing herein contained shall prevent the interment in Roman Catholic Churches in the said city, of Priests or Nuns of the said Roman Catholic faith.

To prohibit interments in the city.

For regulating the weight or measurement of all fire-wood, coals and salt, and of all grain brought into the said city, for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement or weight, any or all of the said articles shall hereafter be bought and sold in the said city, and for appointing Measurers and Weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform.

To regulate weight of fire-wood, coals, salt, and grain.

To assess real property for common sewers.

For assessing the Proprietors of Real Property, for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said city, and immediately in front of such real property respectively, and for regulating the mode in which such assessments shall be collected and paid.

To compel the enclosure of all real property.

To compel the Proprietor or Proprietors of all Real Property within the city limits, their Agents, and all others having or assuming charge of such property, to enclose the same ; and to regulate the height, quantity and material of every such enclosure.

To regulate the opening of streets.

To prohibit the opening, making or extending of any street, lane or roadway, either public or private, within the city, unless the same be opened, made or extended at a width of at least sixty feet French measure : Provided however, that lanes made in rear of lots solely for the purpose of communicating with the out-buildings and yards on such lots, be specially exempted from the operation of such By-law.

To compel occupants of unfenced lots of land to fence the same.

To compel the Occupants of unfenced lots of land in the said city, or of land therein, having stagnant or filthy water in or upon it, or of land in the said city that is in other way offensive or dangerous to the public health, and the Agents of the Proprietors of all such lands, and all persons having or assuming the charge of any such land, in the absence from the said City of the Proprietors of the said land, or in case the said Proprietors may not be able to be found, to properly fence in the said land within such delay, and with fences of such height, and of such material as the said Council may direct, and to drain off all stagnant water from the said land, or any water thereon that may be otherwise offensive or dangerous, to remove therefrom all filthy and offensive matters or things, and to fill up and properly level the same ; And if there be no persons in occupation of the said land, and no Agent or other person representing the Proprietors of any such land in the city, or their Agents, or should the Proprietors of any such land in the said city, their Agents or the Occupants of the said land, or other

persons in charge of the said land, or assuming charge thereof, refuse or neglect to fence in as aforesaid, to drain, cleanse, fill up and level the same, when so directed by the said Council, or the proper officer thereof; or should the said Proprietors, Agents, Occupants, or other persons, be unable for want of means, or any other cause whatsoever, so to fence in, drain, cleanse, fill up and level the said land when so directed as aforesaid, then, and in all such cases, it may be competent to the said Council, and the said Council is hereby authorised and empowered to have the same done at the cost and expense of the said Proprietors of the said land, and to acquire thereby a special mortgage on the said land for the amount or sum of money so expended on the same.

For directing and requiring the removal, at any time, of any door-steps, porches, railings, or other projections into, or obstructions in, any public street or highway within the said city, by and at the expense of the Proprietors of the Real Property, in, or on which such projection or obstruction shall be found. To require the removal of door steps.

For defraying, out of the funds of the said city, the expense of lighting the said city, or any part thereof, with gas, or with oil, or in any other manner, and of performing all such work of any kind, as may be necessary for such purposes; and for obliging the Proprietors of Real Property, in any part of the city so lighted or to be lighted, to allow such work to be performed on or in such property, respectively; and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any building thereon; the expense of all such work being, in every case, defrayed by the said Council, and out of the funds of the said city. To defray the expense of lighting the city.

For altering the level of the foot-paths or side-walks in any street or highway within the said city, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said city: Provided always that the said Council shall and may make compensation out of the funds of the said city, to any person whose To alter levels. Proviso for compensation.

property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof.

To pull down  
old walls, &c.

To pull down, demolish and remove, when necessary, all old dilapidated or ruinous walls, chimneys and buildings that may endanger the public safety ; and to determine the time and manner in which the same shall be pulled down, demolished, or removed, and by what party or parties the expense thereof shall be borne.

To regulate  
weight and  
quality of  
bread.

For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Montreal.

To regulate ser-  
vants.

For restraining, ruling and governing apprentices, domestics, hired servants and journeymen, in the said City of Montreal, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Montreal.

To prevent  
gaming.

To prevent Gaming or the keeping of any Gaming-house, or place for Gambling in the said city.

To regulate  
ferry-men and  
landing-places.

For the government of persons plying as Ferry-men, to the said City of Montreal, from any place within nine miles of the said city, and to establish a tariff or tariffs of fees to be taken by such Ferry-men ; and also to fix and determine what places in the said city may be used as Landing-places, and respecting all other matters and things connected with such Ferries and Landing-places.

To compel the  
attendance of  
members.

To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance, by the said Members of the said Council, of their respective duties as Members of the said Council.

To regulate the  
constabulary  
force.

For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the Constabulary Force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said force ; and for the Government generally of the said Constabulary Force, so as to prevent any neglect of duty or abuse of power on the part of the Members composing the force last mentioned.

To establish as many Pounds and in as many different places in the said City of Montreal, as may be deemed expedient for the impounding of horses, horned cattle, sheep, goats and hogs which may be found astray, and impounded according to law.

To establish Pounds.

To compel and require that all kinds of live stock and all kinds of provision and provender whatsoever, usually bought and sold in public markets that may hereafter be brought to the said city for sale, shall be taken to the public markets of the said city and there exposed, and that neither the said live stock nor the said provisions or provender, shall be offered or exposed for sale or be sold or purchased elsewhere in the said city, than on the said public markets thereof without the special license and permission of the said Council.

To compel live stock and provisions brought to the city to be taken to the markets.

To impose a duty on all the private marts in the said city, or that may hereafter be established therein, for the sale of cattle, provisions or provender, or of any thing else whatsoever that is usually sold in public markets, with power to regulate and fix the said duty as regards each particular mart, as the said Council may see fit.

To impose a duty on private marts.

For assessing the Citizens residing in any particular street, lane, square, or section of the city, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the city, provided that not less than two thirds of the said Citizens residing as aforesaid, in such said street, lane, square or section shall have first prayed or demanded to have the same swept or watered; and provided also, that the said assessment shall in no case exceed the amount of Three Pence in the Pound. To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value, by any mob, tumultuous assemblage, or riotous person whomsoever in the said city; provided, that in the event of the demolition, destruction, injury or damage to any property in the said city by any mob or tumultuous assembly, if the said Council

To assess the citizens for watering and sweeping any particular street.

To assess for property destroyed by mob or during riots.

omit to provide, by such special assessment, to defray the expense thereof within six months after the destruction or injury of the said property, then the said Council shall be liable to pay the same, and the Proprietors of the property destroyed or injured may recover the amount or value thereof by action against the said Council.

To prohibit the erection of wooden buildings within the city.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, or the covering of any building of any kind whatsoever with shingles or wooden materials of any kind whatsoever, within the city limits ; And to require and enforce the erection of separation-walls of stone or of brick, and of such height and thickness as the said Council may deem necessary, between all lots of land belonging to different Proprietors, and situated within that part of the said city, which is bounded by the River St. Lawrence, by Craig, Lacroix and M'Gill streets ; any law, usage or custom to the contrary notwithstanding.

Walls of brick or stone.

To prohibit steam engines.

To prohibit the erection of any steam-engine within the limits of the said city, unless the building containing the same, shall be distinct from any other building, and from the line of any street, square, lane, or other thoroughfare, at least one hundred feet.

Cruelty to animals.

To punish, either by fine or imprisonment, or by both, any person or persons who shall ill-use, or cruelly treat any animal, within the limits of the said city.

Penalty.

And by any such By-law for any of the purposes aforesaid, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same.

Council may make By-laws to prevent accidents by fire.

59. And for the better protection of the lives and property of the inhabitants of the said city, and for preventing accidents by fire therein, Be it enacted, That from and after the passing of this Act, the said Council of the said city, at a meeting of the said Council, composed of not less than two thirds of the Members of the said Council, shall, moreover, have full power and authority to make By-laws, which shall be binding on all persons, for the following purposes, that is to say :

For regulating the construction, dimensions, height and elevation of chimneys, and specially where any houses or premises are built or elevated above other houses and premises to which they may adjoin or be near, by whom, at whose cost, in what manner, to what height, and within what delay the chimneys of the less elevated houses or premises shall be raised or built up so as not to endanger the adjoining or neighbouring premises, and to prevent all hazard of accident or loss by fire.

And to regulate the height of chimneys,

For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the city.

And conduct of persons at fire.

For appointing all such Officers as they may deem necessary for carrying such rules and regulations as aforesaid, into effect, and for prescribing the duties of such Officers, and providing for their adequate remuneration out of the funds of the said city.

To appoint officers to carry rules into effect.

For defraying, out of the said funds, any expenses that they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires.

To defray expenses to prevent fires.

For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours, to be established in such By-laws, as well the interior as the exterior of all houses, buildings, and real property, of any description, within the said city, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed; and for obliging all Proprietors, Possessors or Occupants of such houses, buildings, or real property, to admit such officers and persons into and upon the same, at the times and for the purposes aforesaid.

To authorize officers to visit buildings, for the purpose of enforcing such By-laws.

For vesting in such Members of the said Council, and in such Officers as shall be designated in such By-laws, the power of causing to be demolished or taken down, all buildings or fences which such Members or Officers shall deem necessary to be demolished or taken down, in order to arrest the progress of any fire.

To authorize the demolition of buildings, in case of fire.



To prevent depredations at fires.

For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any Member or Officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him by any By-law made under the authority of this section.

To defray the expenses incurred by wounds or diseases contracted at fires, or to grant pensions.

For defraying out of the funds of the city, any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.

To cause an enquiry to be made as to the cause and origin of fires.

For establishing, or authorizing and requiring to be established, after any and every fire in the said city, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, or the Recorder of the said city, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine and imprisonment, or both; to examine them on oath; and to commit for trial any party or parties against whom well-grounded cause of suspicion may be found of their having wilfully or maliciously originated the said fire or fires.

To make a further assessment of three pence in the pound.

For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said city, or upon the Owners or Occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed Three pence in the Pound on the assessed value of the property lying and being within the said City, and for regulating the time and manner in which such rate or assessment shall be collected; and by any By-law, for any of the purposes for which the said Council are authorized by this section of this Act to make any By-law, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

Fines and imprisonment limited.

60. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company, established or to be established by the said Council, or in any such company under the control and management of the said Council of the said city, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labour, and from serving as a Juror, Constable, or Militiaman, excepting during any war or invasion of the Province.

Firemen exempted from certain duties.

61. And be it enacted, That it shall be lawful for the said Council of the said city, at a Meeting or Meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law, a penalty not exceeding One Hundred Pounds, currency of the said Province, on any assessor or assessors of, in or for the said city or any ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil, the duty or duties, which he or they, the said assessor or assessors, are or may be bound and required by law to attend to, perform and fulfil ; and a like penalty not exceeding One Hundred Pounds on every such assessor performing the said duty in a negligent, partial or imperfect manner.

Council empowered to impose penalty on assessors neglecting their duty.

62. And whereas the different systems of chimney-sweeping that have heretofore been in use in the said city, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney sweeping : Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney sweeping in the said city, or in any such part thereof, licenses to sweep chimneys for gain or hire in the said city, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose ; and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said city, or for gain or hire cause any chimney in the said city to be swept, without having received a license from the said Council to sweep chimneys in the said city, or in some part of the said

Chimneys, how to be swept.

Sweepers to be licensed.

Allowances to  
such sweeps to  
be established  
by a tariff.

City to be designated in the said license ; nor from and after the passing of this Act, shall any person, having received any such license, for gain or hire, sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of a chimney to be swept, after the time for which such license shall be granted, or at any place within the said city to which such license shall not extend, or beyond the limits mentioned in such license ; nor shall any person, having obtained such license, charge or receive, either directly or indirectly, any greater sum or allowance of any kind, for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the Tariff to be established in that behalf, as hereinafter provided for, under a penalty of Twenty-five Shillings currency, for each and every offence against any one or more of the foregoing provisions in this section of this Act contained.

By-laws to be  
made respecting  
sweeps.

63. And be it enacted, That it shall be lawful for this said Council, at a meeting or meetings of the said Council, composed of not less than two-thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimneys, within the said city, to be swept by a Licensed Sweep in such manner, at such times, and so often as the said Council shall appoint, and to establish a Tariff of the rates or prices to be paid to such Licensed Sweeps for the sweeping of chimneys ; and in every case in which a chimney shall take fire in the said city, the occupant of the house in which such chimney shall take fire, shall pay a penalty of not less than twenty-five shillings currency, and not more than fifty shillings, currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have caused, and proved that he caused the chimney that may have so taken fire, to be swept, by a Licensed Sweep, and unless it appear that according to the By-laws of the said City of Montreal it was not incumbent on such occupant to cause such chimney to be swept, between the time of the sweeping thereof by

such Licensed Sweep, and the time at which such chimney may have taken fire ; Provided always, that any occupant of any part of a house in the said city, who may use, or cause to be used, the whole or any part of a chimney in, or attached, or forming a part of any such house in the said city, shall be considered, for all and every the purposes of this section of this Act, as the occupant of such house ; and provided further, that if any chimney that may so take fire, be in the use, or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities, in all respects, as if such chimney had been in his sole use ; and provided also that any chimney which may be used in any way, for the purpose of heating any building, or of conducting the smoke from any building or for any such purpose, whether such chimney be inside or outside of such building, or partly inside and partly outside of such building, shall be considered as a chimney in such building, for all and every the intents and purposes of this Act.

Chimney taking fire, a penalty to be paid, and by whom.

Construction of the liability of occupants, and as to the nature of such chimneys.

64. Provided always, and be it enacted, That a copy of every By-law to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Governor of this Province for the time being ; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law ; and such disallowance shall without delay be signified to the Mayor of the said city, and thenceforward such By-law shall be void and of no effect : Provided also, that all By-laws repugnant to any law of the land, or to any Act of the Legislature of this Province, shall be null and void.

All By-laws to be submitted to the Governor, and may be disallowed.

65. Provided always, and be it enacted, That all and every the Rules, Orders and Regulations and Acts of Authority, legally made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Montreal, or by the Justices of the Peace for the District of Montreal, before the passing of the last mentioned Ordinance to incorporate the said City and Town of Montreal, which may be in force

All By-laws in force, to continue in force.

at the time of the passing of this Act, shall continue, be, and remain in full force and virtue, until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

[Sections 66, 67, 68, 69, 70, 71, relating to expropriations, repealed by 27, 28 Vic., cap. 60.]

Corporations may invest price or compensation for property.

72. And be it enacted, That all Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Montreal, under the authority of this Act, may invest the price of compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of Mortmain; any law to the contrary notwithstanding.

Council may purchase property for public cemetery.

73. And be it enacted, That the said Council shall have full power and authority to purchase property, to wit: real estate, in the said City of Montreal, and also without and beyond the limits thereof, if deemed expedient so to do, for any purpose whatsoever, having for object to promote or preserve the public health, and especially for the purpose of establishing a public cemetery or cemeteries in or near the said city, for the use and benefit of its inhabitants in the environs of the said city.

[Section 74, relative to local improvements, repealed by 27, 28 Vic., cap. 60.]

Non-payment of assessment to be liable to ten per cent. increase per annum.

75. And be it enacted, That in all cases of the non-payment of the assessment on any real property in the said city liable to assessment, an increase of ten per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment, and increase of ten per cent. thereon, be

Property to be sold after five years' non-payment of assessment.

How property is to be sold for arrears of as-

liable to be sold therefor; and the Sheriff of the District of Montreal is hereby authorized and empowered to sell and

dispose of any and all such property, after six months' notice to that effect, given by him, the said Sheriff, in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon, for the said period of five years, whether the said judgment be obtained in the said Superior Court or in the Recorder's Court, upon a Writ or Order to that effect being duly made and directed to the said Sheriff from the said Superior Court or the said Recorder's Court; and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the said Superior Court, sitting in the District of Montreal, to be by the said Court adjudged upon, distributed and ordered to be paid according to law, and the rights and privileges of the parties claiming the same: Provided however, that any balance or amount of the said moneys to be so as aforesaid levied by the said Sheriff, remaining in the hands of the said Sheriff, after the judgment and distribution pronounced thereon by the said Court, shall, within fifteen days thereafter, be paid over by the said Sheriff to the said Mayor, Aldermen, and Citizens of the City of Montreal, to remain in their hands, at the legal interest of six per cent. till demanded and claimed by the party or parties having a right to demand and claim the same.

assessment, and  
per centage  
thereon.

Return of Sher-  
riff to be made  
to the Court of  
Queen's Bench.

Balance to be  
paid over to the  
Corporation,  
and liable to six  
per cent. inter-  
est, till demand-  
ed by the party  
claiming the  
same.

76. And be it enacted, That any rate or assessment with which any real estate within the said city may be legally rated or assessed, may be exacted and recovered, either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed; Provided always, that a judgment obtained or execution issued against either party, Proprietor or Tenant, shall not debar or hinder

Tenant liable to  
pay assessment,  
with right to  
deduct amount  
paid from rent.

proceedings against the other party for payment of the said rate or assessment, if the same cannot be had or obtained from the party first proceeded against.

Privilege granted to secure five years' assessments.

77. And be it enacted, That all debts that, from and after the passing of this Act, shall become due to the said Corporation, for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said city, or upon the Owners or Occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax, or impost levied under and by virtue of any By-law of the said Council, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged, by all Courts of Justice, and by all Commissioners, or other persons having jurisdiction in Bankruptcy in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates of assessments due for five years, that is to say, for the current year when such claim may be made, and for the five years next preceding that year: And provided also, that the said privilege shall not require registration to preserve it, any Act, Ordinance, or Law to the contrary notwithstanding.

Witness summoned on enquiry at facts may be examined on oath.

78. And whereas many cases arise of enquiries into facts before the said Council, as well as before Committees thereof when the interests of justice would be promoted, if the witnesses brought forward could be examined on oath, and power were given to the said Council and Committee to compel the attendance of witnesses before them: Be it therefore enacted, That upon any enquiry or investigation being entered into before the said Council or any Committee thereof, other than those already provided for by law, it shall be lawful for the Mayor of the said city, or other person representing him, to issue his Summons requiring any person to appear before the said Council, or any Committee thereof as aforesaid, for the purpose of giving evidence touching the said enquiry or investigation; and if any person

so summoned shall neglect or refuse to appear at the time and place appointed by such Summons, and no reasonable excuse for his absence shall be proved before the said Council or Committee, or if any person appearing in obedience to such Summons, shall refuse to be examined on oath touching the said enquiry or investigation, it shall be lawful for the said Mayor to enforce the attendance of all such persons, and to compel such persons to answer all lawful questions by the like means as are used for such purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada: and every person so neglecting or refusing to appear, or refusing to be examined on oath as aforesaid, shall, moreover, on conviction thereof before the Recorder's Court of the said City of Montreal, forfeit and pay such sum of money not exceeding Five Pounds, and be liable to such imprisonment not exceeding thirty days, as to the said Recorder's Court shall seem meet; And any person who shall wilfully and corruptly give false evidence upon any such inquiry or investigation, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. Penalty.

79. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That there shall be a Court of Record in the said city, which shall be called the Recorder's Court of the City of Montreal, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen or Councillors of the said city, or in the absence of the Recorder, from sickness or other causes, or when there shall be no Recorder, the Mayor, or one of the Aldermen or Councillors of the said city, shall preside; and such Court shall in all cases possess the like powers, and have the like jurisdiction, as to crimes, offences, and misdemeanors, committed in the said city, as the Court of Weekly Sessions of the Peace, for the said City of Montreal, now has or hereafter may have by law, as to crimes, offences and misdemeanors, committed within its local jurisdiction, as well as in all those matters of civil concern, not Recorder's Court established.



belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in the said Court of Weekly Sessions of the Peace ; and it shall be lawful for the said Recorder's Court to hear and determine all causes and suits that may be brought by the said Corporation of the said city, for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said city, as the amount of any rate, assessment, tax, duty or impost lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city, and all causes and suits that may be brought by the said Corporation, for the recovery of any sum or sums of money that may be due and payable to the said Corporation, for the rent or occupation of any Butcher's or Huckster's Stall, or other stall or stand whatsoever, in or upon any of the public markets of the said city, or as and for the amount of any rate, tax, duty or impost now levied or collected, or that may hereafter be lawfully imposed, levied or collected on any of the said public markets ; also to hear and determine all causes and suits that may be brought by the said Corporation of the said City of Montreal, for the recovery of any water rent or revenue, or any sum or sums of money whatsoever that may be due and payable to the said Corporation for water rent, or for any supply of water given or furnished from the Montreal Water Works, now the property of the said Corporation, to any house or premises, or to or for the use of any person or persons in the said city, or for the introduction of any pipe or pipes from the said works into any house or premises in the said city, or the enlarging, extending, repairing, altering, removing or changing of any such pipe or pipes, in any house or premises, or at the instance or request, or for the use or benefit of any person or persons in the said city ; and also to hear and determine all offences against any such By-law, Rule, Regulation or Order, or against any law concerning any market or markets in the said city, or against any law concerning any assessment, tax or duty, to be levied in the said city, or against any of the provisions of an Ordinance of

the Legislature of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*; and also to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred, and be due and payable under any such By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city as aforesaid, or under this Act, or under any Act or Acts concerning any Market or Markets in the said city, or under any Act or Acts concerning assessment to be raised in the said city, or under any of the provisions of the said Ordinance, passed in the second year of Her Majesty's Reign, and intituled, as above mentioned, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*: and for the purposes aforesaid, the said Recorder's Court shall be held from time to time, as occasion may require, in the City Hall of the said city, or in such other place in the said city as the said Council of the said city may ordain; and the City Clerk of the City of Montreal shall be the Clerk of the said Recorder's Court; and the Precepts, Writs and Processes, to be issued out of the said Recorder's Court, shall not require to be under any Seal, but shall run and be in the name and style of Her Majesty, Her Heirs or Successors, and shall be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the said Mayor or Alderman or Councillor presiding, and be countersigned by the said Clerk; and it shall be lawful for the said Court to summon, by a Writ to be signed and countersigned as aforesaid, the party accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in his favour as against such party, and upon the appearance or default of the party accused or complained against, in not appearing, upon proof of service of such Summons by the return in writing of the person who made the service, to proceed

with the examination of the witness or witnesses on oath, and to give judgment accordingly, awarding costs for the successful party ; and when the party accused or complained against shall be convicted of such offence, or if judgment be given in favour of the Prosecutors for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a Warrant or Warrants, to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made ; which Warrant shall authorize any Constable or Bailiff to execute such Warrant in any part of the District of Montreal, by *saisie* and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such Warrant shall thus be issued ; and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such Warrant, upon a return to that effect, the said Court, by a further Warrant to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied : Provided always, that no person so committed shall be detained in gaol more than one calendar month ; and provided also, that such imprisonment shall not in any case have the effect of satisfying the said judgment, or of debarring the said prosecutors from enforcing payment of the said judgment, by seizure of any goods or chattels, or lands and tenements, liable to seizure, that may afterwards be found belonging to the said parties, or by any other legal means or process whatsoever, other than imprisonment of the

said parties ; and where imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Recorder's Court, the said last mentioned Court, by a Warrant, to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned, to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person may be found, there to remain for the time he may be so condemned to be imprisoned.

80. And be it enacted, That it shall be lawful for the said Recorder's Court to cause order to be preserved in the said Recorder's Court, and to punish by fine or imprisonment any person guilty of any contempt of the said Court or of any member thereof, if such contempt be committed during the sitting, and in the presence of the said Recorder's Court ; to enforce the attendance of any witnesses in any action, cause or prosecution, that may be pending before the said Recorder's Court, and to compel such witnesses to answer all lawful questions ; to authorise and require the examination of any party on interrogatories on facts and articles *faits et articles*, or on the *juramentum litis decisorium*, or on the *juramentum judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada ; and to cause the execution of, and obedience to any Order, Precept, Writ, Process or Warrant, that may issue from the said Recorder's Court, for any one or more of the purposes aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada. And it shall be lawful for the Council of the said City of Montreal, to appoint so many Bailiffs of the said Court, as the said Council may think fit ; and to make and settle a tariff of the fees which should be exacted by the Clerk of the said Recorder's Court and by the Bailiffs and other such Officers, to be employed

Powers of the Recorder's Court further defined.

in and about the said Recorder's Court: Provided always, that no fee shall be exacted under such tariff until such tariff be approved of by the Governor in Council. And it shall be the duty of the Clerk of the said Recorder's Court, to prepare and make out all the Precepts, Writs, and Processes severally that may issue from the said Court, and in a Register, to be kept for that purpose, to enter in a succinct manner all the proceedings had in the said Court, and to record at full length all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence, in any cause, suit, action, prosecution, or other proceeding in the said Recorder's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury; and any Member of the said Council, excepting the Mayor, Aldermen, or Councillors of the said Council then sitting in the said Court, and any Member, Officer, or Servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Recorder's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage, or custom to the contrary notwithstanding. And any toll, assessment, tax, duty or impost, fine or penalty, that may be sued for in the said Recorder's Court, shall be recoverable there, upon the oath of one credible witness; and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness.

As to the appointment of a Recorder for the City of Montreal, &c.

81. And be it enacted, That the Recorder for the said City of Montreal shall be a Barrister of that part of the Province of Canada heretofore Lower Canada, of not less than five years' standing, and shall be appointed by the Crown during pleasure, and such Recorder shall be ex-officio a Justice of the Peace, in and for the said City and District of Montreal, and shall receive a salary of not less than Three

Hundred Pounds per annum, payable monthly out of the Funds of the said city : Provided always nevertheless, that the said Recorder shall not in the first instance be appointed until after the Corporation of the said city shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer is required for the better conduct of the affairs of the said city, and administration of Justice therein. Proviso.

82. And be it enacted, That it shall be lawful for the said Recorder's Court to be held and to sit daily, and as many times as may be necessary each day, without previous notice or time fixed, to summarily hear and determine upon the case of any person offending against the provisions of the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, or the provisions of any Act or Acts concerning assessments to be raised in the said city, or concerning markets, or against any By-law, Rule, Regulation or Order now in force, or that may be hereafter in force in the said city ; and upon the case of any vagrant, loose, idle or disorderly person, and other offenders arrested by or in charge of the Police of the said city, the cases of persons arrested on view, or immediately after the commission of any offence, or by warrant issued out of the said Court, or by the said Recorder, or by any Justice of the Peace for the said District of Montreal ; and it shall and may be lawful for the Police or Constabulary Force of the City of Montreal, or for any other Peace Officer or Constable, to bring before the said Recorder's Court, or before the said Recorder, or, in case of his absence as aforesaid, before the Mayor, or such of the Aldermen or Councillors of the said city as may be appointed to act in his stead, in the City Hall of the said city, any person offending as aforesaid against the provisions of the said Ordinance, against any Act or Acts concerning assessments or markets, or against any By-law, Rule, Regulation or order now in force, or that may hereafter be so, in the said city, and any vagrant, loose, idle or disorderly per- Further powers  
of the Record-  
er's Court.

son, and every person arrested as such, to be then and there dealt with according to law, as the said Recorder's Court, the said Recorder individually, or the Mayor, Alderman or Councillor aforesaid, may adjudge and determine.

How certain fines, &c., are to be recovered and applied.

83. And be it enacted, That all fines and penalties imposed by any By-law, Rule, Order or Regulation, which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District, before the passing of the said Ordinance to incorporate the City and Town of Montreal, or by the said Council, since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by this Act or any Acts concerning any market or markets in the said city, or by any Act concerning any assessment, tax or duty to be raised in the said city, or by the said Ordinance, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, which shall or may be prosecuted for, or recovered in the said Recorder's Court; and generally, all fines and penalties, sued for, recovered, imposed or levied in the said Court, shall be recovered in the name of "the Mayor, Aldermen and Citizens of the City of Montreal," and for the use of that Corporation, and shall belong to and form part of the General Funds of the said city, and in no other name or for no other use. And it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution, and all fines or penalties that may be so paid without prosecution shall form part of the General Funds of the said city.

Records, registers, &c., of Mayor's Court, to be transferred over to the Recorder's Court.

84. And be it enacted, That all and every the Records, Registers, Documents and Proceedings of the Mayor's Court of the said City of Montreal, shall forthwith after this Act shall come fully into effect, be transmitted into, and make part of the Records, Registers, Documents and Proceedings of the said Recorder's Court hereby established, and the said Mayor's Court shall, after the time aforesaid, cease to be held in the said city, and that no Judgment, Order, Rule or Act of the said Mayor's Court legally pronounced, given, heard or

done, before this Act shall come fully into effect, shall be hereby avoided, but shall remain in full force and virtue, as if this Act had not been passed ; nor shall any suit, cause or proceeding commenced or depending in the said Mayor's Court, be abated, discontinued or annulled by reason of the change made in the constitution of the said Court by this Act, but the same shall in their then present condition be respectively transferred to, and subsist and depend in, the said Recorder's Court hereby established, to all intents and purposes, as if they had respectively been commenced, brought or recorded in the said last mentioned Court, which shall have full power and authority to proceed accordingly in and upon all such suits, causes or proceedings, to judgment or execution, and to make such Rules and Orders respecting the same as the said Recorder's Court is hereby empowered to make in suits, causes or proceedings, commenced in, and depending before, the said last mentioned Court.

85. And be it enacted, That it shall be lawful for the said Council to establish and regulate a Police Force for the said city, and for that purpose from time to time as occasion may require, to appoint either from the Police Force, now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before the Mayor or Recorder of the said city, or before some Justice of the Peace for the District of Montreal, to act as Constables for preserving the peace, by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace ; and the men so sworn shall not only within the City of Montreal, but also within the whole of the District of Montreal, have all such powers and privileges (and be liable to all such duties and responsibilities) as any Constable or Peace Officer now has, or hereafter may have, within the place to which his appointment extends, by virtue of the laws now in force, or hereafter to be in force, in Lower Canada ; and it shall also be lawful for the said Council to appoint such Officers to superintend and assist in the management of the said Constabulary Force as to the said Council may seem needful, and to give to such

Police Force established.



Officers, so appointed, such names, and to assign to them such duties as to the said Council may seem proper; and the said Officers and Men so to be appointed, shall obey all such lawful commands as they may receive from the said Council; and any Officer or Officers, so to be appointed, shall, during his appointment, have not only all the powers and privileges of a Constable appointed under this Act, but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council; and the said Council, or any Member or Members of the said Council, authorized to that effect by the said Council, may, at any time, suspend or dismiss any Officer or Constable appointed under this Act, whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same, and appoint others in their place; and the Officers of the said Constabulary Force shall have such power in relation to the government, control, dismissing or suspending of the Constables, so to be appointed, as the said Council may think proper, by a By-law in that behalf, to give to the said Officers respectively.

Authority to  
apprehend idle  
and disorderly  
persons.

86. And be it enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find lying in any field, and highway, yard or other place, or loitering therein and not giving a satisfactory account of themselves, and to deliver any person so apprehended, into the custody of the Officer or Constable appointed under this Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be secured until he can be brought before the Recorder's Court of the said city, the Recorder of the said city, or in his absence before the Mayor of the said city, or such Alderman or Councillor as may be appointed to act in his place, to be dealt with according to law, or may give Bail to such Constable or Officer for his appearance before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or

Councillor, if such Officer or Constable shall think fit to take Bail in the manner hereinafter mentioned.

87. And be it enacted, That in addition to the powers and authority conferred by the preceding section of this Act, on the said Constabulary Force, it shall and may be lawful for any Officer or Constable of the said Force, by day as well as by night, to arrest on view any person offending against any of the By-laws, Rules and Regulations of the said City of Montreal, or of the Council thereof, the violation of which is punishable with imprisonment; and it may and shall be lawful also for any such Officer or Constable to arrest any such offender against any such By-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed; and all persons so summarily arrested shall be forthwith conveyed to the City Hall for trial, before the said Recorder's Court, if then sitting, or if the said Recorder's Court can be soon thereafter assembled, or if not, that Bail or Recognizance may be taken by the said Recorder, by the said Mayor, or any Alderman or Councillor of the said city appointed to act in his stead, that the said parties shall appear at the next sitting of the said Recorder's Court, to answer the charge or complaint preferred against them, and for which they may have been so arrested as aforesaid; and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal: Provided that nothing herein contained shall prevent the persons so summarily arrested as aforesaid, from being at once examined and tried, when taken to the City Hall as aforesaid before the said Recorder, or in his absence before the said Mayor, or any Alderman or Councillor appointed to act in his stead, if the offence for which the said parties have been so arrested as aforesaid may legally be tried by the said Recorder, or in his absence before the

Further powers  
given to the Po-  
lice Force.

said Mayor, Alderman or Councillor as aforesaid, being a Justice of the Peace in the said City of Montreal, under the provisions of the said last mentioned Ordinance or any other Ordinance or Act now in force in the said Province.

Bail to be taken  
in certain cases.

88. And be it enacted, That when any person charged with any petty misdemeanor, shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Officer or Constable appointed under this Act, during his attendance in the night time at any Watch-house, within the said city as aforesaid, it shall be lawful for such Officer or Constable, if he shall think fit, to take Bail by Recognizance, without any fee or reward from such person, conditioned that such person shall appear for examination within two days before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, within the said City of Montreal, at some time and place to be specified in the Recognizance, and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court, as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal; and if the party not appearing shall apply by any person on his behalf, to postpone the hearing of the charge against him, and the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall think fit to consent thereto, the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall be at liberty to enlarge the Recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Session, or otherwise, the Recognizance for the appearance of the party before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, shall be discharged without fee or reward.

Officer or Con-

89. And be it enacted, That if any Officer or Con-

stable, to be appointed as aforesaid, shall be guilty of any neglect of duty, or of any disobedience of any lawful Order, every such offender, being convicted thereof, before the Recorder's Court to be established under this Act, shall, for every such offence, be liable to be imprisoned for any time not exceeding thirty days, and to be fined in any sum not exceeding Fifty Shillings, or to be dismissed from his office, or to any two, or to all of the said punishments, as the said Recorder's Court shall in their discretion think meet.

stable punish-  
able for neglect  
of duty.

90. And be it enacted, That if any person shall assault or resist any Officer or Constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before the Recorder of the said City of Montreal, or in his absence before the Mayor of the said city, or any Alderman or Councillor thereof appointed to act in his place, shall for every such offence forfeit and pay such sum, not exceeding Five Pounds, and be liable to such imprisonment, not exceeding thirty days, as the said Recorder, or in his absence, the said Mayor, Alderman or Councillor may adjudge: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

Person assault-  
ing an Officer or  
Constable, how  
punished.

91. And be it enacted, That every law, and every part of any law, repealed by the said Ordinance, to incorporate the City and Town of Montreal, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed; and all the provisions of any law inconsistent with the provisions of this Act, are hereby repealed.

Certain laws to  
continue repeal-  
ed, and certain  
laws repealed.

92. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to revoke, alter, or abridge or in any manner affect the powers and authority now by law vested, or which may hereafter be vested in the Master, Deputy-Master, and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the execution of any Act now in force or

Powers of the  
Trinity House,  
of the Harbour  
Commissioners,  
or the Lachine  
Canal Commis-  
sioners, not to  
be affected by  
this Act.

hereafter to be in force, relating to the improvement and enlargement of the Harbour of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing and improving the Lachine Canal, nor to the wharves and slips erected or to be erected by the said first mentioned Commissioners, nor to the wharves and grounds under the direction of the said last mentioned Commissioners: Provided always, that the said Corporation of the City of Montreal shall have power, so often as the same be requisite, to open any drain leading from the said city to the River St. Lawrence; to employ the Constabulary Force of the said city in the maintenance of peace and good order on the said Wharves, and to appoint and designate stands or places of rendezvous for Carts and Carriages thereon.

How this Act is to be understood with regard to powers conferred on Police Inspector, &c., by previous enactments.

93. Provided always, and be it enacted, That nothing in this Act contained, shall be construed to abridge or interfere with the duties, powers, authorities or jurisdiction of any Inspector or Superintendent of the Police, or of any Member or Members of the Police Force of the said City, appointed or to be appointed by the Governor of this Province, under and in virtue of the provisions of the said Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, but the same shall continue to be executed and exercised as if this Act had not been passed.

Reservation of Her Majesty's rights.

94. And be it enacted, That nothing in this Act contained, shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Certain words interpreted.

95. And be it enacted, That the words " Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor, or any person authorized to execute the commission of Governor within this Province for the time being; and the word " Councillor" and the word Councillors," wherever they occur in this Act, shall be

understood as meaning any Member or Members of the said Council of the City of Montreal, unless by the context it shall appear clearly that the words "Councillor" or "Councillors" respectively, are intended to apply exclusively to a Member or Members of the said Council, who is not or are not the Mayor or Alderman or Aldermen of the said city; and the words, "the said Corporation," or "the said Corporation of the City of Montreal," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Aldermen and Citizens of the City of Montreal," unless the context necessarily requires a different meaning to be given to those words; and that the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number, or the masculine gender only, shall be understood to include several matters of the same kind, as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

96. And be it enacted, That this Act shall be held and Public Act. taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

(16 VICTORIA, CAP. 26.)

An Act to authorize the City of Montreal to  
raise a Loan to consolidate their debt.

(Sanctioned 10th November, 1852.)

Preamble.

14 and 15 V., c.  
128.

WHEREAS by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, it is among other things in effect enacted, That it shall be lawful for the Council of the said City of Montreal to borrow, on the credit of the said city, such sum or sums of money as the said Council may think proper so to borrow, provided the total amount borrowed and remaining unpaid, exclusive and independent of the amounts due or to become due on account of the purchase or improvement of the Montreal Water Works, shall not exceed at any one time the sum of one hundred and fifty thousand pounds currency, which debt so authorized to be contracted for general purposes, is hereinafter called the *General Debt* of the said city; and whereas by the said Act it is also in effect enacted, That, for the purpose of extending and improving the said Water Works, it shall be lawful for the Council of the said city to borrow a sum not exceeding fifty thousand pounds, currency, exclusive of the said sum of one hundred and fifty thousand pounds, and in addition to the debt contracted for the purchase of the said Water Works, under the authority of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire and hold the property now known as the Montreal Water Works*, which said debts so authorized to be

7 V., c. 44.

contracted for the purpose of purchasing or improving the said Water Works, are hereinafter called "*The Water Works Debt*" of the said city; and whereas the said "General Debt" and the said "Water Works Debt" are both secured upon the general funds of the said Corporation, and the said "Water Works Debt" is also secured by special privilege on the said Water Works; And whereas it is expedient to make provision for consolidating the said debts, and placing the financial affairs of the said city on a better footing, by providing means for paying off the said debts either by means of terminable annuities or of a Sinking Fund; and with this view to enable the said Corporation to borrow money for the purpose of paying off such portions of the existing debts as it may be found conducive to the attainment of the object aforesaid, to pay off: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in addition to any portion of the sums which the said Corporation is now authorized to borrow, and which may remain unborrowed at the time of the passing of this Act, it shall also be lawful for the said Corporation to borrow from time to time under the provisions of this Act, such further sums as may be necessary to pay off any part of their debt, (whether forming part of the said General Debt or of the said Water Works Debt, or of the debt to be contracted under this Act, hereinafter called the *Consolidated Debt*), which shall be overdue or which they shall deem it advantageous to the city to pay off; Provided, that the total amount of the debt or debts of the said city shall never exceed the total amount of the General Debt and the Water Works Debt now authorized, except for such short intervals of time as must necessarily occur between the borrowing of

Corporation  
empowered to  
borrow money  
to pay off their  
present debt,  
&c.

Proviso: Total  
amount of debt  
limited.



any sum for the purpose of paying off any sum due by the Corporation, and the actual paying off the same, and then only by such sum as shall be actually in the hands of the Treasurer, or at the call and disposal of the Corporation, with the intent and for the sole purpose of its being used for paying off any such sum as aforesaid owing by the Corporation.

How and where  
such money  
may be bor-  
rowed.

2. And be it enacted, That any sum which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal and interest thereof may be made payable, either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Terminable an-  
nuities may be  
granted for  
money.

3. And be it enacted, That it shall also be lawful for the said Corporation to grant Bonds for Terminable Annuities to parties from whom they shall borrow any sum of money under the authority of this Act, instead of issuing to such parties Debentures of the nature mentioned in any preceding Act or Acts; and any such Annuity may be made payable either in this Province or in any other Country, and either in the Currency of this Province, or in that of the Country in which the same shall be payable, and the amount of any such Annuity, and the term during which it shall be payable may be such as shall be agreed upon by the Corporation of the said city, and the other party interested, any law to the contrary notwithstanding; and any such Annuity may be

Form of bonds,  
&c.

made payable to the Bearer of the Bond or of the proper *Coupons*, and either by yearly or half yearly payments, and generally the provisions of former Acts as to such Debentures as aforesaid shall be applicable, so far as the case will admit, to Bonds for Terminable Annuities to be issued under this Act; Provided always, that in calculating the amount of the Debt of the said City, for the purpose of ascertaining whether the amount limited by this Act, has or has not been exceeded, each such Bond shall be reckoned as representing

Proviso.

an amount of Debt equal to the sum which the Corporation obtained for it ; And provided also, that the term for which any such Annuity shall be granted shall not exceed twenty years. Proviso.

4. And be it enacted, That any Debenture or Bond issued by the said Corporation after the passing of this Act, shall be held to form part of the Consolidated Debt of the said city, whether it be issued to any party actually making a new Loan to the Corporation or to a party taking such Debenture or Bond in exchange for another or others issued before the passing of this Act, and forming part of the said General Debt or of the said Water Works Debt. Money so borrowed to form Consolidated Debt.

5. And be it enacted, That it shall be lawful for the said Corporation to call in all Debentures or Bonds issued before the passing of this Act, the principal sum secured by which may be over due ; and such calling in shall be by advertisement inserted three times at intervals of two weeks in the *Canada Gazette* in both languages ; and three times at intervals of two weeks in some Newspaper published in the said city in the English language, and in some Newspaper there published in the French language, and after the day named in such advertisement, (which shall not be before the time at which the last insertion thereof may be made as aforesaid,) no interest shall be payable by the said Corporation on any Debenture or Bond so lawfully called in and not presented for payment on or before the day named as aforesaid. Outstanding debentures over due may be called in.

6. And be it enacted, That it shall be the duty of the Treasurer of the City of Montreal, before the Quarterly Meeting of the Council of the said city, in the month of September, in the year one thousand eight hundred and fifty-three, and in each year thereafter, to take from and out of the annual revenues and funds of the Corporation of the said City of Montreal, (from whatsoever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent. on the then outstanding Consolidated Debt of the city secured otherwise than by Bonds for Terminable Annuities, which said sum of money the said City Treasurer shall keep apart from Duty of Treasurer to provide a sinking fund for debt not secured by annuities.

And to provide  
for payment of  
annuities.

Treasurer to lay  
certificate of his  
having com-  
plied with this  
section before  
the Council.

all other moneys, to be invested and applied under the orders of the City Council, solely and exclusively as a Sinking Fund, towards the extinction of that portion of the said Consolidated Debt secured otherwise than by Bonds for Terminable Annuities; it shall also be the duty of the said Treasurer at the same time to take from and out of the annual revenues and funds of the said city, from whatever source arising, and before the payment of any appropriation whatsoever of the said revenues or funds, such sum of money as will be sufficient to pay all the sums then due or to become due during the then next six months for Terminable Annuities granted under this Act; and it shall be the duty of the Mayor, or person acting as such for the time being, and of the Aldermen and Councillors of the said city, to see that the provisions of this section be strictly carried out in each year, by the person whose duty it is to carry out the same, and within the time prescribed therein, and that the sum set apart as a Sinking Fund be invested without delay in the Public Provincial Securities, or in the Stock of such of the Chartered Banks of this Province as shall afford the most ample security and be the most advantageous to all the parties concerned, and that any sum so set apart for the payment of Terminable Annuities be invested in the most advantageous manner consistent with its being at the command of the Treasurer when required to pay such Annuities: And it shall be the duty of the City Treasurer to place before the Council, at its First Meeting in the month of September in each year, a certificate signed by himself and countersigned by the Mayor of the said city, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this Act, and in default of his so doing the said City Treasurer shall, *ipso facto*, become and be liable to pay to the said Corporation a fine of Five Hundred Pounds currency, which said fine the said Council shall exact from the said Treasurer within the shortest possible delay, and the same shall form part of the Sinking Fund aforesaid, or shall be applied to pay off the said Annuities, if not required for the said Sinking Fund; and for the purpose of furnishing additional and more ample secu-

city to the lenders of the said money, it shall be the duty of the Auditors of the said city annually to lay before the said Council a statement under oath showing whether the said Treasurer has or has not fulfilled all the obligations imposed upon him in and by the said section.

7. And be it enacted, That all the Revenues arising from or out of the supplying of water to the said city, or from the property movable or immovable connected with or belonging to the Water Works for supplying the same, shall, after providing for the payment of the current expenses of the Water Works Department, and the interest accruing on the Debentures or Bonds issued by the said Corporation before the passing of this Act, for moneys borrowed under the authority of the Act hereby amended or of any preceding Act, for the purchase or improvement of the said Water Works (and so forming part of the Water Works Debt of the said city), be formed into a fund separate and apart from all other funds of the said Corporation, and shall be applied by the said Corporation towards the extinction of the said Water Works Debt, and after the extinction of the said Debt the said Revenues shall make part of the General Funds of the Corporation, and may be applied accordingly.

*Sinking fund  
for Water  
Works Debt.*

8. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Treasurer of the said city, and applicable to the payment of the interest or of the principal of the said Consolidated Debt of the said city, or any Terminable Annuity forming part of the said Consolidated Debt, shall be insufficient to pay any such interest or principal or Annuity then due, it shall be the duty of the said Treasurer to calculate what Rate in the pound upon the assessed annual value of the property liable to assessment in the said city, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such Rate) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such principal, interest and Annuity, and to certify such Rate under his hand to the Clerk of the said city, for the information of the Council, in the following form, or to the like effect:

*Duty of Treasurer, if at any time he shall not have money in his hands to meet interest or annuities due.*

“SIR,—I hereby certify, for the information of the Council of the City of Montreal, that a Rate of \_\_\_\_\_ in the pound, on the assessed yearly value of the property liable to assessment in the said city is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such Rate required to produce a net amount equal to that now due for interest, (principal, *if any be due*) and Annuities forming part of the Consolidated Debt of this city.”

And such certificate shall have the like effect as a By-law of the Council of the said city lawfully imposing the Rate therein mentioned, and shall be obeyed and acted upon by all Officers of the Corporation and by all others, and the Rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other Rates lawfully imposed by any By-law of the City Council, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or as to the time of the year at which Rates may be imposed, levied or collected ; and the proceeds of such Rate shall be applied first to the payment of the principal, interest and Annuities, as the case may be, for the payment whereof the Rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Corporation.

Duty of Sheriff on receiving a writ of execution against corporation for moneys forming part of the Consolidated Debt.

9. And be it enacted, That if hereafter at any time, any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Debenture or Corporation Bond forming part of the said Consolidated Debt of the said city or for arrears of any Annuity forming part of the said Consolidated Debt, the Plaintiff may require, and the Court may order that such execution be levied by Rate ; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said city : and if the money therein mentioned, with all the lawful interest and

costs which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such Rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said city for the information of the Council thereof, in the manner and form *mutatis mutandis*, prescribed for the certificate of the Treasurer in the eighth section of this Act, and shall attach thereto his precept commanding the said Corporation and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him; and such certificate shall have the like effect as the certificate of the Treasurer, in the eighth section mentioned, and such precept shall be deemed an order of the Court out of which the Writ issued, and shall be obeyed by the said Corporation, and by all Officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court; and the Rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-laws of the City Council, or by any certificate of the City Treasurer, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or the time of the year at which Rates are to be levied and collected; and it shall be the duty of the Treasurer and Clerk, and of all Assessors, Collectors and other Officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this section, and to give him any information or assistance which he may require for the purposes thereof; and all such Officers of the Corporation shall, for all the purposes of this section, be deemed Officers of the Court out of which the Writ issued,

and amenable to and punishable by such Court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively ; and the proceeds of the said Rate shall, by the Treasurer, be paid over to the said Sheriff, and by him applied to the satisfaction of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

Proviso.

Securities for  
preventing debt  
not to be im-  
paired.

10. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothec, granted by the Act hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said " General Debt," or of the said " Water Works Debt" of the said Corporation, or any remedy which, without this Act, any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same ; and that no further provision which the Legislature of this Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond, whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

(16 VICTORIA, CAP. 27.)

## An Act to amend the Law relating to the Recorder's Court of the City of Montreal.

(Sanctioned 10th November, 1852.)

**W**HEREAS it is desirable to amend the Act of the Par- Preamble.  
liament of this Province hereinafter mentioned in so

far as relates to the Recorder's Court of the City of Montreal: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, as is inconsistent with the provisions of this Act, be and the same is hereby repealed.

Inconsistent enactments of 14 and 15 V. c. 128, repealed.

2. And be it enacted, That it shall be competent for the Recorder for the said City of Montreal to hold the Recorder's Court of the City of Montreal with or without the assistance or in the presence or absence of any one or more of the Aldermen or Councillors of the said city.

Court may be held with or without an Alderman.

3. And be it enacted, That it shall not be necessary that any Precept, Writ or Process to be issued out of the said Recorder's Court be signed by the Recorder of the said City

Process need be signed only by the City Clerk.



of Montreal, or in the event of his absence or non-appointment, by the Mayor, Alderman or Councillor of the said city presiding in the said Court, and countersigned by the City Clerk of the said city, but it shall be sufficient that any such Precept, Writ or Process be signed by the City Clerk of the said city or his Deputy, as hereinafter mentioned.

City Clerk may  
appoint a Deputy  
as Clerk of  
Recorder's  
Court.

4. And be it enacted, That it shall be lawful for the City Clerk of the said City of Montreal, from time to time, by an instrument under his hand and seal to be acknowledged by him before and duly deposited and filed in the office of the said Recorder's Court, and entered and recorded in the Register thereof, to appoint one fit and proper person to be and act as his Deputy in the discharge of all and every his duties as Clerk of the said Recorder's Court, and to remove any person so appointed and appoint another in his stead; and each and every person so appointed shall at all times, while his said appointment shall remain in force and unrevoked, be to all intents and purposes a Clerk of the said Recorder's Court.

Recorder's  
Court may try  
cases of assault,  
&c., committed  
within the city.

5. And be it enacted, That it shall be lawful for the said Recorder's Court to hear, try and determine any case of common assault or assault and battery arising within the said city upon complaint of the party aggrieved praying the said Court to proceed therein under this Act, in the same manner and to the same effect, and subject to the same provisions as any Justice of the Peace may by law now summarily hear, try and determine any complaint of any such offence, and also to hear, try and determine any complaint under the above cited Act against any person for assaulting or resisting any officer or constable appointed under the said Act in the execution of his duty, or for aiding or inciting any person so to assault or resist.

(16 VICTORIA, CAP. 128.)

An Act to amend the provisions of the several  
Acts for the Incorporation of the City of  
Montreal.

(Sanctioned 23rd May, 1853.)

WHEREAS the Corporation of the City of Montreal have by their petition prayed that divers alterations should be made in the provisions of the Act incorporating the said city, and it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the delay for the production and deposit by persons qualified to vote for the election of Mayor and Councillors for the said city, of their certificates of qualification to vote, shall be between the hours of Ten in the forenoon and Four in the afternoon of the last six judicial days in the month of February of each year.

2. And be it enacted, That it shall be the duty of the Council of the said city, and they are hereby empowered, at each and every Quarterly Meeting of the said City Council, to elect from among themselves a Member to act as Mayor, in the event of the absence or sickness of the Mayor of the said city, or of any vacancy in the office of Mayor of the said city; and such Member so elected shall, during such

absence or sickness, or vacancy, have and exercise, until the ensuing Quarterly Meeting, all the power, authority and rights, vested by law in the Mayor of the said city.

3. And whereas in and by the seventy-seventh section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, it is provided that a privilege shall be granted to secure five years' assessment, and doubts exist as to the nature and extent of the said privilege as regards third persons having mortgages or other privileged claims upon the real property affected thereby; Be it declared and enacted, and it is hereby declared and enacted by the authority aforesaid, That the privilege of the said Corporation was not intended to have and shall have no priority or preference over all or any mortgage or privileged claims of third parties upon the real property of any person liable for such debts, save and except of the assessment actually due and owing upon or by such real property, but the proceeds of the said real estate sold and realized by justice shall, after payment of such assessment actually due thereon, be distributed among such mortgage or privileged claimants according to their respective legal rights, and the balance, if any, to the said Corporation on account of or for the said debt, and no assessments for which the said Corporation shall have been collocated by any judgment of distribution of the proceeds of any real property, to the prejudice of any mortgage or privileged claimant thereon, other than for the assessments upon such real property shall be held to be paid by the person or persons owing such assessments, but the mortgage or privileged claimant so prejudiced shall be to all intents and purposes subrogated in the rights of the said Corporation, as to such assessments, and shall have the power to proceed in his or her own name for the recovery of such assessments either by action or opposition to the same extent, and in the same manner that the

said Corporation could have done if such collocation had not taken place.

4. And be it enacted, That when the said Corporation deposit any price or compensation in the hands of the Prothonotary of the Superior Court under and in virtue of the provisions of the sixty-ninth section of the Act last above cited, or any other Act or Law in that behalf, the said Court shall prescribe the mode of calling before it all parties interested, and make such orders in relation to the same as in its discretion shall seem just.

5. And be it enacted, That the Recorder's Court of the said City of Montreal shall have jurisdiction to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred and be due and payable under any of the provisions of the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, or of any Act amending the same.

6. And be it enacted, That all and every the provisions of any law in force in respect of the Incorporation of the said city, inconsistent with the provisions of this Act, shall be and are hereby repealed from and after the passing of this Act.

(23 VICTORIA, CAP. 72.)

An Act to amend the provisions of the several  
Acts for the Incorporation of the City of  
Montreal.

(Sanctioned 19th May, 1860.).

Preamble.

18 V., c. 162.

WHEREAS it is expedient to repeal the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal*, and also to repeal in part, and to amend the provisions of other pre-existing Acts relating to the Incorporation of the City of Montreal, and to vest certain further powers in the Corporation thereby constituted, and to remove certain doubts which have arisen as to the true intent and meaning of certain clauses in the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 18 V., c. 162,  
repealed.

1. The said Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal*, shall be and the same is hereby repealed.

Sect. 2 of 14, 15  
Victoria, c. 128,  
amended.

2. The second section of the Act made and passed in the Session held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled, *An Act to amend and consolidate the provisions of the ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, shall be, and is hereby amended by striking out the words "fifty-second and fifty-third," in the fifth and sixth lines thereof, and substituting the words "fifty-fourth and fifty-fifth" in their places respectively.

3. The eleventh and twenty-fourth sections of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be, and the same are hereby repealed. Sects. 11 and 24 of 14, 15 V., c. 128, repealed.

4. The Mayor and the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of the votes of the following persons, who may not be disqualified by law from voting, and whose names shall remain duly registered, on the revised voters' lists of the said city, as ordered to be made and revised by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, that is to say :

1. Every male person entered on the then last Assessment Roll, revised, corrected and in force in the said city, as the owner of real property within the Ward for which the election shall be had, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; Provided that when such property is owned by several persons *par indivis*, they may severally vote thereon, if their respective shares in the said property be assessed at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars each ;

2. Every male person, being an inhabitant householder in the city, whose name shall be entered on the said last Assessment Roll, as the tenant or occupant of a dwelling-house in the Ward for which the election shall be held, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; Provided that every such person shall be possessed of the said dwelling-house on the first day of January next preceding such election, that he shall have been a resident householder in the said city from at least the first day of May next before any such election, and that he shall have resided within the particular Ward for which such election shall be had not less than three months next before the first day of January preceding such election ; and part of a dwelling-house in which any such person, being a tenant as aforesaid, shall reside as a householder or occupier, but not as a boarder or lodger,

and having a separate outer door by which a communication with the street may be afforded, shall be considered a dwelling-house within the meaning of this enactment ;

Qualification as voters.

3. Every male person, though neither a proprietor or householder, who shall have been resident in the said city, or within the parish of Montreal, from at least the first day of May next preceding any such election, and who, either individually or jointly, as a co-partner with any other person or persons, shall have been entered on the said last Assessment Roll as the tenant or occupant of any warehouse, counting-house, shop, office or place of business, within any of the said Wards of the city, during three months next preceding any such election ; Provided that the said warehouse, counting-house, shop, office or place of business, when occupied by the said person individually, be assessed as aforesaid at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars, or when occupied by him as a co-partner, that his proportion or share thereof be not assessed at less than the said last amounts respectively ;

Tenants of warehouses, counting houses, &c.

Proviso.

4. Provided, however, that no such Proprietor, Tenant or other person aforesaid shall be entitled to vote at any such election in the said city, unless he shall previously to the first day of January next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty or impost, (drain accounts excepted) lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city, that may be due and payable by him, in any capacity or way whatsoever, either as an occupant himself, or as the owner of property either vacant or in the possession of other parties, who may neglect to pay the assessment due on it, up to the first of January next before the holding of any such election.

Previous payment of taxes.

In what Ward they shall vote.

5. Every voter shall vote in the Ward in which he is assessed, unless he be qualified to vote in more than one Ward, then in the Ward in which he shall reside ; and each voter qualified to vote in one Ward only shall vote in such Ward, and each voter qualified to vote in more Wards than one and resident without the limits of the city, shall declare

at least one month before the election, in which Ward he wishes to vote, and in default of so doing, the Board of Revisors shall determine in what Ward he shall vote at such election; and no person shall be permitted to give more than one vote at any election.

No person to vote more than once.

6. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the Voters' Lists: it is therefore declared and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the fourteenth section of the said Act; Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name may have been erroneously included in any one or more lists other than the Voters' List of the Ward in which, according to the provisions of the preceding section of this Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from the said lists, any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error in the name, residence, or occupation of any voter in the said lists.

Doubts as to meaning of sect. 15 of 14, 15 V., c. 128, removed.

Proviso: Act not to prevent the exercise of certain powers of the Board of Revisors.

7. And whereas it is necessary to make provisions where- Recital.  
by a poll or contest may be avoided in certain cases where no division of opinion exists among the electors, in respect of the person intended to be elected Mayor of the said city, or in respect of those intended to be elected Councillors in any or all of the Wards thereof; and it is also necessary to provide



How, when,  
and where the  
elections of  
Mayor and  
Councillors  
shall be had and  
conducted.

Nomination of  
candidates.

Proclamation  
if there be no  
contest.

that the candidates for any of the said offices shall be publicly known, and that none other but those named shall be or may be elected : Be it therefore enacted, that hereafter the twelfth day of February in each year, or if that be a holiday, then the next following not being a holiday, shall be, and the same is hereby fixed as the nomination day for all candidates for the offices of Mayor of the said City and of Councillors for the several Wards thereof; and such Alderman or City Councillor as shall, at the last previous meeting of the City Council, have been named and appointed for that purpose, shall preside at each of the nominations of candidates for the offices of Mayor and of Councillors respectively, which shall be held in the open air; that for the office of Mayor at the Bonsecours Market, and those for Councillors at such places in the several Wards, to be fixed by the said Council, as that all the electors may have free access thereto; and at ten o'clock in the forenoon of the said day, the Alderman or Councillor appointed to preside at each such nomination shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as Mayor, or as Councillor or Councillors, as the case may be, and any two duly qualified electors of the said city may openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Mayor, a demand or requisition that the person by them named be elected Mayor of the said city, for the next ensuing term of the said office of Mayor; and in the event of there being only one such demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then the Alderman or Councillor presiding shall proclaim the said person duly elected Mayor of the said city for the next ensuing term of the said office; and any two qualified electors in any Ward of the said city may, on the day aforesaid, openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Councillors in such Ward, a demand or requisition that the person or persons named by them be elected Councillor or Councillors for the said Ward in which

the said requisitionists are electors as aforesaid ; and if there be only one demand or requisition made for the election of a Councillor or Councillors in any Ward of the said city, or if all the requisitions made in any such Ward be for the election of the same person or persons as Councillor or Councillors for the said Ward, then the said Alderman or Councillor presiding shall proclaim the said party or parties named in the said requisition or requisitions, (as the case may be,) duly elected Councillor or Councillors for the said Ward for the next ensuing term of the said office or offices ; and each and every such election made as aforesaid without dissent or division therein, shall be forthwith published in at least one English and one French newspaper in the said city, and the said presiding Alderman and Councillors respectively shall in due course report the said elections to the Council of the said city ; in the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as Mayor of the said city, or as Councillor or Councillors in any Ward thereof, a poll shall be granted for each and every such election by the said presiding Alderman and Councillors respectively, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the office of Mayor of the said city, or of Councillor or Councillors in any of the Wards thereof ; Provided, however, that no person may or shall be voted for at any such election, or may or can be elected thereat, for whose election a demand or requisition shall not have been made as aforesaid on the twelfth day of February aforesaid.

In what case a poll shall be granted.

Proviso.

8. If after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said city, the Mayor of the said city, or in the event of his omission or refusal, the Council thereof, shall fix a day and place for the nomination of candidates for the said office, to be made in the form and manner, and between the hours provided in the next preceding section of this Act ; and the said Mayor or Council (as the case may be) shall at the same time fix a period, within which the election for the candidates

Proceedings when a vacancy occurs in the office of member of the Council.

to be named may subsequently take place, if necessary ; and in the event of there being only one demand or requisition, made on the said nomination day, or of all the demands or requisitions made thereon, being for the same candidate, then the said party shall be proclaimed duly elected, in the form and manner already provided for ; but in the event of their being two or more persons nominated for any such vacancy, a poll shall be granted, and the election shall be proceeded with in the manner provided for, in and by the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight.

Salary of Recorder fixed.

9. For and notwithstanding any thing to the contrary contained in the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, the salary of the Recorder of the said city shall not be less than two thousand dollars per annum, payable monthly out of the funds of the said city, and so much of the said Act as provides that the Recorder of the said city shall be assisted in holding the Recorder's Court by one or more of the Aldermen or Councillors of the said city, or that in the absence of the Recorder from sickness or other causes, the Mayor or one of the Aldermen or Councillors of the said city shall preside in the said Court, shall be, and the same is hereby repealed ; and it shall be lawful for the said Recorder, from time to time, by an instrument in writing under his hand and seal, to be deposited, filed and registered in the office of the Clerk of the said Recorder's Court, to nominate and appoint some fit and proper person, being an advocate of not less than five years' standing at the Bar of Lower Canada, to be and act as his Deputy in the event of his illness or necessary absence from the said city, and any such nomination and appointment from time to time to revoke and again to make, as circumstances may seem to him to require ; and each and every person so nominated and appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all

Recorder may appoint a Deputy, and how.

and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the Recorder for the said city, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid: Provided, nevertheless, that the said Recorder's Court shall not at any time be deemed to have been illegally held, nor shall the acts of any Deputy Recorder of the said city be deemed invalid, by reason of the absence of the Recorder not being deemed to be necessary within the meaning of this Act. Proviso.

10. It shall be lawful for the said Council, at any meeting, or meetings of the said Council, composed of not less than two-thirds of the Members thereof, to make By-laws, which shall be binding on all persons, for the following purposes: City Council may make By-laws for certain purposes—

1. For the preservation of peace and good order, and the suppression of vice in the said city;—for the benefit of the trade, commerce and health thereof;—to restrain and prohibit all descriptions of gaming in the said city, and all playing of cards, dice, or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, either licensed or unlicensed, in the said city;—to prevent and punish any riot or noise, disturbance or disorderly assemblages;—to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed in the said city;—to detect and arrest on view such persons as may be found gaming, playing at cards, dice, or other games of chance, or cock-fighting or dog-fighting therein, contrary to any By-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly persons;—to license, regulate or prohibit the exhibitions of common show-men, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations;—to prohibit or to punish cock-fighting, and dog-fighting, and all other cruel sports in the said city;—and also to prevent and For preservation of the peace and good order, the suppression of gaming and vice, &c., and as regards—

Riots.

Grog-shops.

Gaming.

Prostitution.

Shows.

Cock-fighting, &c.  
Racing, &c.

|  |   |
|--|---|
| Flying kites,<br>&c.                     | punish horse-racing and immoderate driving or riding in the streets or highways thereof;—to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property ;—  |
| Removing<br>snow, &c.                    | to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the side-walks in front of such premises, and to   |
| Encumbering<br>streets.                  | punish them for not so doing ;—to prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, fire-wood, or any other substance   |
| Peddling fruit,<br>&c.                   | or material whatsoever ;—to prohibit and punish, or license, or regulate the sale or pedlery of fruits, nuts, cakes, refreshments, bread, jewellery, and merchandise of all kinds, in and upon or along the wharves, streets, side-walks, alleys, and   |
| Nuisances.                               | public squares of the city ;—to compel the owner or occupant of any grocery, cellar, tallow Chandler shop, soap-factory, tannery, stable, barn, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city ;—to prohibit any person from bringing, depositing or leaving within the city limits, any dead body or any dead carcass, or other unwholesome or offensive substance, and to require the removal of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same ; |
| Dead bodies,<br>&c.                      |   |
| Steam engines,<br>soap factories,<br>&c. | 2. To prohibit, if deemed necessary, the erection, use, or employment in the said city of all steam-engines, soap and candle, or oil, or oil-cake factories, India-rubber or oil-cloth factories, slaughter-houses, dyeing establishments and other   |

factories or establishments wherein work, operations or processes, is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety; and the said Council shall have power also to permit such erection, use or employment, subject to such restrictions, limitations and conditions, as the said Council may deem necessary;

3. To restrain and regulate the keeping and running at large of cattle, horses, swine, sheep and goats, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping; to regulate and prevent the running at large of dogs in the said city, and to authorize the destruction of all dogs running at large contrary to any By-law of the said city;

Cattle, &c., running at large.

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects, brought to the markets of the said city, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause;—to regulate bakers in the said city, and persons in their employ;—to regulate the sale, weight, and quality of bread to be sold or exposed for sale in the said city, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation, of any and all such bread so exposed for sale contrary to the said By-laws, or that may be light or unwholesome; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread for the purpose of examining and weighing the same, and to do any other act or thing needful or necessary, or that may be deemed so for the public benefit and security, to carry out such purpose, or to enforce such By-laws;

Confiscation of articles offered for sale for deficiency of weight, &c.

5. To authorize the granting of licenses to carters, and owners and drivers of public vehicles for hire, in and for the said city, and likewise for the better government of the owners and drivers thereof, and to establish rules and regu-

Carters' licenses.

lations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said city, as well as to fix a tariff of rates and charges for the same; and further, it shall be lawful for the said Council to make all such owners responsible for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or vehicles for the time being, and liable to the same fines and penalties as are or may be imposed by any By-law or By-laws of the said Council upon such servants or drivers, or other persons aforesaid, the actual offenders;

Cleaning and  
repairing of the  
streets, &c.

6. To regulate, clean, repair, amend, alter, widen, contract, straighten or discontinue the streets, squares, alleys, highways, bridges, side and cross walks, drains and sewers, and all natural water-courses in the said city; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; and also to determine the course of all natural water-courses passing through private property in the said city, and to regulate all matters concerning the same, whether the said water-courses be covered or not; they shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said city; the said Council shall also have power to cause such of the streets, lanes, alleys, highways and public squares, in the said city or any part or parts thereof, as shall not have been heretofore recorded or sufficiently described, or shall have been opened for public use during ten years, but not recorded, to be ascertained, described and entered of record in a book to be kept for that purpose by the City Surveyor of the said city, and the same, when so entered of record, shall be public highways or grounds; and the record thereof shall, in all cases, be held and taken as evidence for their being such public highways and grounds;

Water Works.

7. To regulate the management of the Water Works, Aqueduct, Reservoirs, and other works connected therewith, and for the maintenance of order and cleanliness on the said works;

8. And whereas great inconvenience and loss has been experienced in the City of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood and other woods, on streets, and other public places not allotted for that purpose, be it enacted that the said Council shall have power and authority to make and pass By-laws to regulate the sale of hay, coal, peat or turf, firewood and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood or other wood, in all places other than public markets, or public or private wood-yards, or such places as the said Council may allot or appropriate for that purpose.

To regulate the sale of fuel, &c.

11. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds, now or hereafter to be established in the said city, in lieu of those fines and rates now paid at the same; any law or custom to the contrary notwithstanding.

Council may fix the fines to be paid at pounds.

12. And the said Council shall have full power and authority to pass By-laws for the better observance of the Lord's Day, commonly called Sunday, in the said City of Montreal, and for that purpose to prohibit the selling, vending or retailing, by store or shopkeepers, pedlars, hawkers, petty chapmen, hotel-keepers, tavern-keepers, or other persons keeping houses or places of public entertainment in the said city, and all other persons, on the said Lord's Day, of goods, wares, or merchandise, wines, spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern, or house or place of public entertainment in the city, by any person or persons; and also to enforce the closing of saloons and taverns from seven o'clock on Saturday evening until Monday morning; and the said Council may, by any such By-law, give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description whatsoever in the said city, for the purpose of arresting on view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale, or of purchasing or drinking, as aforesaid.

May prohibit sales on the Lord's Day.

13. And by any such By-law, for any of the purposes

Fines to enforce By-laws.



aforesaid, the said Council may impose such fines not exceeding twenty dollars, or such imprisonment not exceeding thirty days, or both, as they may deem necessary, for enforcing the same.

Suits against  
non-residents.

14. Suits for assessments or taxes against non-residents may be brought in any Court of Justice having competent jurisdiction.

Completion of  
Assessment  
Rolls.

15. The Assessors shall complete the Assessment Rolls of the several Wards of the city with proper diligence, and shall make out fair copies thereof to be left with one of their number, in their office in the City Hall of the said city; they shall also forthwith give public notice thereof in the order in which the said Wards may be completed:

Notice of such  
completion.



1. Such notices shall set forth that the Assessors have completed their Assessment Roll of the Ward or Wards stated in the said notice, and that a copy thereof is left with one of their number at their office in the City Hall, where the same may be seen and examined by any person interested during the delay specified in the said notice, which delay shall in no case be less than fifteen days from the publication of the said notice; and that, after the expiration of that delay, at a day and hour to be stated in the said notice, the Assessors will meet, at their office aforesaid, to review their assessments of the real estate set down in the said Assessment Roll or Rolls; on the application of any person conceiving himself aggrieved, it shall be the duty of the said Assessors on such day to meet at the time and place specified, and to hear and examine all complaints in relation to such assessments of real estate that may be brought before them; and they are hereby empowered, and it shall be their duty to adjourn from time to time, as may be necessary, to hear and determine such complaints;

Hearing com-  
plaints.

Provision when  
any one seeks a  
reduction of his  
assessment.

2. Whenever any person, on his own behalf or on behalf of those whom he may represent, shall apply to the said Assessors to reduce the value of his real estate, as set down in any of the said Assessment Rolls, it shall be the duty of such Assessors (if they see fit) to examine such person touching the value of his or their real estate; and after such

examination, they shall fix the value thereof at such sum as they may deem just; but if such person shall refuse to answer any question as to the value of his real estate, or the amount thereof, the said Assessors shall not reduce the value of such real estate; the examination so taken shall be written, and shall be subscribed by the person examined, and shall be filed in the office of the said Assessors;

3. And any persons complaining as aforesaid to the said Assessors of their assessment on their real estate, and applying for a reduction of the same, who may think themselves aggrieved by the decision of the said Assessors on their said application, may, at any time within fifteen days' delay, complain thereof by petition to the Recorder's Court, which shall have exclusive jurisdiction in all cases of complaint against the judgments of the said Assessors on the applications made to them for a reduction of assessment on real estate; all such petitions shall be filed with the Clerk of the Recorder's Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French paper in the said city, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof, respectively; and any party aggrieved by any decision of the said Recorder's Court with respect to any such complaint, may appeal therefrom, by summary petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Montreal, presented either in term or vacation, within a delay of eight days from and after the rendering such decision, and thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his attorney, make such order in the premises as to law and justice may appertain;

Appeal to Recorder's Court against the decision of Assessors.

Appeal from decision of Recorder's Court.

4. When the Assessors, or a majority of them, shall have completed the Roll of any Ward or Wards, they shall deliver the same, duly certified, to the Treasurer of the said City.

Rolls to be delivered to City Treasurer.

Discount on  
assessments in  
certain cases.

16. It shall be lawful for the said Council, by a By-law thereof, to allow such rate or rates of discount as may be considered expedient, on all assessments and taxes, including the water rates, paid within such delay or delays, after the completion of the assessment in each year, as the said Council shall fix upon and set forth in the said By-law; and the said Council may, by any such By-law, charge interest, not exceeding six per centum, on the amount of all assessments and taxes which may remain unpaid after such delay, from the completion of the assessment in each year, as the said Council may determine and fix upon in the said By-law.

Council autho-  
rized to effect  
a further loan  
for certain  
purposes.

17. For the purpose of enabling the said Council to pay off certain open accounts and outstanding debts which are not included in the Consolidated Debt of the said city, established by the Act, sixteenth Victoria, chapter twenty-six; and also for the purpose of enabling the said Council to carry out such improvements, make such repairs, and generally to perform such works as are required in the said city, it shall be lawful for the said Council to borrow a further sum of money, not exceeding one hundred thousand pounds sterling, over and above any sum or sums of money which the said Council may have been heretofore authorized, or is now empowered to borrow on the credit of the said city; which amount the said Council may borrow from time to time, and in such sum or sums as may be required, either in this Province or elsewhere; and the said Council may grant and issue bonds for the same, bearing interest not exceeding six per centum per annum, and having *coupons* annexed to them for the interest aforesaid, which coupons shall be signed by the Mayor and Treasurer of the said city, and shall be payable to bearer; and the said bonds may be made payable either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable; and, generally, all the provisions of the Acts now in force as to bonds issued by the said Council, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Bonds may be  
issued.

Certain provi-  
sions to apply.

New debt to  
form part of the

18. The new debt to be created and established under the

authority of the preceding section of this Act, shall be added to, incorporated with, and form part of the Consolidated Debt of the said city, established by the said Act, sixteenth Victoria, chapter twenty-six, and shall be secured and paid by means of a sinking fund of two per centum per annum on the amount thereof, in the manner provided for, in and by the said Act; all and every the provisions of which said Act to secure and provide for the payment of the Consolidated Debt therein mentioned, shall extend and apply to, and be held and deemed to be in force, and to be incorporated with, and form part of this Act, in regard to any debt that may be incurred under the authority of the said preceding section of this Act, the establishment of a sinking fund to repay the same, the authority given to the Treasurer to levy a rate to repay the same or any part of the principal and interest thereof, in the event of the moneys in his hands proving insufficient for the purpose, and the power given to the Sheriff, in the event of the contingency therein stated, to levy a rate for the payment of the said debt, or any part thereof, in the manner and form prescribed by the said Act.

Consolidated  
Debt of the city.

19. Inasmuch as the Mayor of the said city is annually eligible to be re-elected, and so likewise are the members of the Council, whose term of office will expire in the next succeeding month of March, and neither the Mayor nor the said members of Council consequently form part of the Board of Revisors, established by the twentieth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight; the said Board shall hereafter be composed of such five members of the Council, to be taken exclusively from among the Aldermen and Councillors thereof, whose term of office will not expire in the next succeeding month of March, as the said Council may annually choose to select and nominate in the manner otherwise specified in the said twentieth section of the said Act.

Constitution of  
Board of Re-  
visors.

20. In addition to the persons already disqualified by law from voting at any election of Mayor or Councillor in the said city, no officer or servant in the pay of the said Council, nor any officer, constable, or other member of the Police Force

Members of  
Police Force  
may not vote.

of the said city, shall hereafter be qualified to vote at any such election.

How notices  
shall be given.

21. All notifications, generally, which are required to be given by this Act, or by the Acts hereby amended, relating to the Incorporation of the said city, and specially all notices in relation to the Water Works of the said city, or which are required to be given to the tenants of the Water Works of the said city, or the parties supplied with water from the said works, or liable to assessment therefor, may hereafter be made and given by public advertisement thereof in at least one newspaper published in the English language, and one newspaper published in the French language in the said city;

How signed and  
published.

And such notifications shall in all cases have appended to them the name of the officer of the said Council or other person authorized to give the same; and they shall be published in each case for such periods of time as may be deemed reasonable and sufficient by the said Council, or by any Committee whose duty it may be to order the said publication thereof to be made.

Loan for erec-  
tion of Market-  
houses, &c.

22. For the purpose of constructing and establishing Market-houses and Market-places, in the West, St. Ann's, St. Antoine, St. Lewis, St. James, and St. Mary's Wards of the said city, it shall be lawful for the said Corporation to effect a special loan of ten thousand pounds, sterling money of Great Britain, to be designated "The Market Loan," and to issue, under the hand of the Mayor and the seal of the said Corporation, Debentures or Corporation Bonds, to the said amount of ten thousand pounds sterling, aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such Debentures shall be headed with the words or title "The Market Loan," to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them; which coupons, being

Bonds.

signed by the Mayor and Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such *coupon*, by the Corporation, shall be *prima facie* evidence, that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Market-houses and Market-places, to be constructed and established by means thereof.

23. The amount which the said Corporation is empowered to-borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum, and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force, as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Where and how  
such loan may  
be effected.

24. The said Market-houses to be constructed and established by means of the special loan authorized to be made under this Act, and also the land to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be, and they are hereby specially charged, pledged, mortgaged, hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation, for the construction and establishment of the said Market-houses and places, as well as for the due and punctual payment of the interest on the money which may be so borrowed as aforesaid; and all, each and every of the holders of the debentures issued for the said loan, shall have a concurrent pledge, mortgage, hypothec, or privilege on the said Market-houses, and property appertaining thereto, for securing the payment of the said debentures and interest thereon.

Market-houses  
to be mortgaged  
for its repay-  
ment.

Council may regulate the laying of railways and the passing of trains through the streets.

25. The said Council shall have power, whenever, in its opinion, public convenience requires it, to sanction and permit the track of any railroad to be laid in or along any street or public ground; and to regulate the use of locomotive engines, and of steam or any other motive power on any or every portion of any railroad within the city, and to prescribe and regulate the speed of cars upon any and every part of such railroad; and to enact By-laws in pursuance of the powers hereby granted, imposing a penalty of not more than four hundred dollars upon the proprietors or corporations owning any such railroad, or their servants for each and every violation of any such By-law.

By-laws to be public laws within the city.

26. The By-laws of the said Council shall be held and taken to be public laws within the limits of the said city; and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

Licenses to carters and chimney sweeps.

27. The said Council shall have full power and authority to suspend or revoke all licenses granted to carters and owners, or drivers of public vehicles, in and for the said city; to ferrymen plying to and from the said city; to chimney-sweeps, and generally all licenses whatsoever granted by the said Council, for any offence or cause of misconduct, or violation of any By-law relating to or concerning such persons, holding any such licenses, or their trade, occupation, or business in respect of the same.

Jurisdiction of Recorder's Court extended.

28. And whereas it is expedient to extend the jurisdiction of the Recorder's Court of the said City of Montreal, to all matters, complaints or offences cognizable by one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrate or Magistrates, the said Court shall have full power and authority to hear, try, and determine all matters, complaints or offences, which heretofore, by the laws and usages now in force, were cognizable by and within the jurisdiction of one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrates, and further the forms of procedure, informations, complaints, summonses, warrants, recog-

Forms in cap. 108 of Con. Stat. Canada to apply.

nizances, proceedings, orders, convictions, commitments, and all other orders, writs, warrants and proceedings generally, established in and by the Act forming chapter one hundred and three of the Consolidated Statutes of Canada, intituled : *An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, and set forth and contained in the Schedules of the said last mentioned Act, shall be, and the same are hereby extended and applied to the said Recorder's Court, and *mutatis mutandis* may henceforth be used and employed in all cases of a like or corresponding nature in the said Recorder's Court ; and further all and every the provisions of the said last cited Act, in regard to offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

And other provisions of the Act.

29. Any one or more joint owners or occupiers of any lot, house, or premises, or other real property in the said city, complained of for violation of any By-law of the said Council now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property, in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever, may be sued alone, or conjointly, in the said Recorder's Court, as may be deemed advisable, as well as the agent or agents of the said joint owners or occupiers or of any one of them, and the oral testimony of such ownership or occupancy, whether sole or joint or of such agency, or that the parties complained of are reputed to be such owners or occupiers, either sole or joint, or such agents as aforesaid shall be deemed sufficient.

Suits against joint owners of property for nuisances.

30. The Mayor, or other officer for the time being presiding at any meeting of the Council, shall have power to enforce his authority, for the maintenance of order and decency, by causing to be forcibly put out of and excluded from the Council Chamber, until the adjournment of the

Maintenance of order at meetings of the Council.



**Proviso:** As to exercise of powers of person presiding.

meeting, any member of the Council, persisting in misdeeming himself, after the Mayor, or officer so presiding, shall declare him to be out of order; Provided that upon a motion to that effect, it shall be resolved by a majority of at least three-fourths of the members present that the Mayor, or officer presiding, should enforce his authority in that behalf; and any motion to that effect shall always be held to be in order, and shall be put and decided upon without debate.

**Section 86 of 14, 15 V., c. 128, repealed.**

31. The eighty-sixth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and is hereby repealed.

**Loose and disorderly persons may be apprehended on view.**

32. It shall be lawful for any police officer or constable of the said city during the time of his being on duty, to apprehend on view, all loose, idle and disorderly persons; that is, all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard or other place, and all prostitutes or persons wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, out-house or other building, unoccupied; or in the open air, or under a tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways, by shouting or other-

**How such persons shall be dealt with.**

wise, and to deliver any person so apprehended into the custody of the officer or constable appointed under the said Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be so secured until he or she can be brought before the Recorder's Court of the said city, to be dealt with according to law, or the provisions of this enactment, or to give bail to such officer or constable for his appearance before the said Recorder's Court, the said Recorder or his deputy, if such officer shall think fit to take bail in the manner prescribed by the said Act; And it shall further be lawful for the said Recorder's Court, or the said Recorder, or his deputy, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, by confession, or by the oath of one or more credible

**Powers of Recorder's Court as to such persons.**

witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars, either immediately, or within such period as may be thought fit, and be imprisoned in the Common Gaol or House of Correction, at hard labour, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of twenty dollars, either immediately or within such period as may be thought fit, and that in default of such payment, either immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said Common Gaol or House of Correction, at hard labour, for any time not exceeding two calendar months; the imprisonment, however, to cease upon payment of the fine imposed.

33. The ninetieth section of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby amended with respect to that part thereof imposing fine and imprisonment; and it is hereby enacted that the said Recorder's Court shall have power and authority either to fine and imprison any person convicted before it of having assaulted or resisted any officer or constable appointed under the said Act, in the execution of his duty, or of aiding and inciting any person so convicted, to assault or resist, as declared by the said section, or to adjudge that the person or persons so convicted as aforesaid, shall, for every such offence, forfeit and pay such sum not exceeding twenty dollars, either immediately or within such time as may be thought fit, and in default of such payment either immediately or within the delay mentioned, such person or persons shall be imprisoned in the Common Gaol, or House of Correction, at hard labour, for a period not exceeding thirty days.

Sect. 90 of 14,  
15 V., c. 128,  
amended.

Powers of Recorder's Court.

34. The said Council shall have full power and authority in all cases of offences for the commission whereof fine and imprisonment are imposed by any By-law of the said Council, to proceed against and prosecute parties charged therewith, either by summons or by warrant issued upon affidavit taken before the Recorder of the said city, or his deputy, as may be thought more advisable for the attainment of justice.

Prosecution for  
certain offences  
under By-laws.

35. And whereas it is enacted, in and by the seventy- Recital.

14, 15 V., c. 128, fourth section of the said Act hereinbefore recited (fourteenth s. 74.

and fifteenth Victoria, chapter one hundred and twenty-eight), that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the city, that is to say, the proprietors of the larger part in value of the said real estate, and according to the then assessed value thereof, may apply to the said Council for any specific local improvement in and to the said street, square, or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by By-law, a special rate, tax or assessment on all real estate in the said street, square, or section of the said city, benefited or to be benefited by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide; but no provision is made in the said section to fix and determine what real estate in the said street, square or section of the said city is so benefited or to be benefited by the said improvement, or to apportion the said special rate, tax or assessment, on the said real estate, as nearly as may be in proportion to the benefits resulting or to result from the said specific improvement; It is enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement by virtue of the said in part recited seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the whole of the real estate in such street or streets, square, or section of street or streets, with the exception, on each occasion, of the lot or lots from which the land or property aforesaid may have been or shall hereafter be taken, shall be held to have been equally benefited by such improvement, and shall be equally rated, taxed, or assessed, to provide the expense of the said improvement, as nearly as may be, in whole or in part, according to the man-

How property shall be assessed in respect of local improvements.

ner in which the said Council may have already decided, or shall hereafter decide, that the said expenses thereof were to have been, or shall be, borne by the said Proprietors ; and so much of the said section as empowers the said Council to regulate and apply such rate, tax, or assessment, to and upon any such real estate to be so rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement, shall be and the same is hereby repealed ; and the assessed value of all real estate in any such street or streets, square, or section of a street or streets, for the year in which any such aforesaid improvement may have been heretofore made, or in which any such aforesaid improvement may hereafter be made, under the said section, shall be held to be the assessed value thereof, for the purposes of the said improvement ; Provided that no real estate in any such street or streets, square or section of street or streets, shall be exempted from being rated, taxed or assessed towards any such improvement except in the particular occasion of a part thereof being taken for the purposes of the said improvement, or to carry out the same ; Provided further, that in case any real estate shall be situated on two or more streets or on one or two streets and a public square, the said Council, in passing such a By-law, shall determine what portion of the said real estate is benefited by the specific improvement made in the said street or square, and shall accordingly apportion the special tax or assessment to be levied on the said real estate, by reason of the said improvement.

36. In all cases where the whole or any part of any real estate, subject to any lease or other agreement, shall be taken by the said Council, under the said section of the said Act, all the covenants and stipulations contained in such lease or agreement, shall, upon the passing of a By-law by the said Council, to impose and levy the special rate, tax or assessment, required for the purpose of defraying and covering the cost of any such specific local improvement, cease, determine, and be absolutely discharged ; and in all cases where a part only of any real estate shall be so taken, the said covenants

In case property subject to any lease, &c., be taken by the Council.

and stipulations shall be so discharged, only as to the part so taken; and in passing such a By-law, the Council of the said city shall determine the rents, payments and conditions, which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate.

Meaning of certain words in sect. 74 of 14, 15 V., c. 128.

37. And whereas doubts have arisen as to the meaning of the words "Section of the City," contained in the said seventy-fourth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, it is enacted, that the said words "Section of the City," shall mean and be taken as comprising any portion of the city, square or street, for which any such specific local improvement has been, or may hereafter be applied for, by any such petition as aforesaid.

Christian and surnames to be set forth in the list of voters.

38. In the lists and certificates of voters in the several Wards of the said city, for Mayor and Councillors of the said city, there shall hereafter be stated and set forth, at full length, the Christian and Surnames of the said voters, their occupations, and the streets in which they reside, in the said city, or in which they have their places of business therein, whenever the right of vote arises out of the business carried on by the said voters.

17th sect. of 14, 15 V., c. 128, amended.

39. And whereas it is necessary to amend the seventeenth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, with respect to the formalities to be observed by the City Clerk, prior to the delivery to any person whose name shall be on the voters' list for any Ward, for a certificate to the effect that the name of such person is on the voters' list, and that he is entitled to vote at the election to be held for Mayor of the said city, and for a Councillor or Councillors for such Wards, it is enacted that the said City Clerk, or any person acting for him, shall have full power and authority, whenever deemed necessary, to administer to such person requiring such certificate, the following oath or affirmation, before delivering the said certificate, viz:

City Clerk may require an oath of a voter.

Form of oath.

" You swear (or solemnly affirm) that you are the person

wea

“ named and described in the certificate claimed by and now  
 “ shown to you, (*reading to the said party, at the same*  
 “ *time, the name, occupation, and name of the street, set*  
 “ *forth in full, in the said certificate,*) and that you are  
 “ entitled to vote at the election to be held for Mayor of the  
 “ City of Montreal, and for a Councillor (*or Councillors, as*  
 “ *the case may be*) for the (*naming the ward*) Ward of the  
 “ said city. So help you God.”

40. If any person, who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said city, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or by any person employed by him, shall by any gift or reward, or by any promise, agreement or security, for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of forty dollars, to be recovered, with full costs of suit, by any one who shall sue for the same in the Circuit Court for the District of Montreal; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in the said city.

Punishment of  
bribery at city  
elections.

41. The sixteenth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Sect. 16 of 14, 15  
V., c. 128, re-  
pealed.

42. The Voters' List for each Ward of the said city, when settled and signed in the manner provided for in and by the last cited Act, shall be again placed and kept in the City Hall, until after the close of the elections, shall then be filed in the office of the City Clerk; and every person whose name shall appear in such Ward list, and who shall produce a certificate in the manner provided for by the said Act shall be entitled to vote at the election for Mayor of the said city, and

Upon comple-  
tion of voters'  
lists, they shall  
be exposed in  
the City Hall  
and filed with  
the Clerk.

Rights of per-  
sons on such  
lists.

Proviso: Certain oaths may be required of voters.

Persons refusing them shall not vote.

for a Councillor or Councillors, as the case may be, in the Ward stated in his certificate, without any further inquiry as to his qualification; Provided that it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said city, or for the Recorder or City Clerk thereof, to administer either, or both, of the following oaths, marked one and two, included in this section, to any party producing any such certificate, and claiming a right to deposit the same, and vote at the said election; and it shall be compulsory on the said Mayor, Alderman or Councillor, and upon the said Recorder or City Clerk, to administer either or both of the said oaths, upon the requisition to that effect of any candidate at the said election, or any duly qualified voter in the said city, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, of his being of the full age of twenty-one years, or of his having received or been promised any consideration for his vote; and any persons required to take the said oaths, or either of them, and refusing so to do, shall be prohibited from voting so long as he shall persist in his refusal, and until he shall have taken the said oath or oaths.

#### *Oath Number One.*

Form of oath. “ You swear (*or if he be one of the persons permitted by law to affirm in civil cases, you affirm*) that you are the person named and described in the certificate now shown to you (*reading to the said party, at the same time, the name, occupation, and name of the street set forth in full, in the said certificate*); and that you have not voted before at this election. So help you God.”

#### *Oath Number Two.*

Form of oath. “ You swear that you verily believe you are of the full age of twenty-one years; and that you have not already voted at this election; and that you have not received any thing, nor has any other person, to your knowledge or

“ belief, received any thing for you or on your account or  
 “ behalf, either directly or indirectly ; neither has there been  
 “ any thing promised to you, or, to your knowledge or belief,  
 “ to any other person for you or on your behalf or account,  
 “ either directly or indirectly, in order to induce you to give  
 “ your vote at this election, nor do you expect any remunera-  
 “ tion, gift or reward, either directly or indirectly, for  
 “ voting at this election. . So help you God.”

43. Any person who shall swear or affirm falsely, upon the said prescribed oaths, numbered one and two, contained in the preceding section, or either of them, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties of the said offence. False swearing to be perjury.

44. Hereafter no Auditor, elected or appointed under the said last cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office ; but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, to wit : Oath to be taken by Auditor.

“ You (*name of Auditor*), having been elected Auditor Form.  
 “ for the City of Montreal, do sincerely and solemnly swear  
 “ that you will faithfully fulfil the duties of the said office  
 “ according to the best of your judgment and abilities. So  
 “ help you God.”

And no other oath shall be required of such Auditor.

45. The nineteenth section of the Act last cited (fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight) shall be and the same is hereby amended, by substituting in the said nineteenth section the words “ sixteenth section,” in place of “ fifteenth section.” Sect. 19 of 14, 15 V., c. 128, amended.

46. The thirty-third section of the Act last cited shall be and the same is hereby repealed. Sect. 33 of said Act repealed.

47. The forty-eighth and forty-ninth section of the said last cited Act shall be and the same are hereby amended, in so far as respects the manner of appointing a Chairman at any meeting of the said Council, in the absence of the Mayor and Acting Mayor of the said city, so that the said Council shall 48th and 49th sects. thereof amended.



have full power and authority hereafter, in the absence of the said Mayor and Acting Mayor, to choose any Alderman or Councillor to be Chairman at any such meeting.

58th section repealed.

48. The fifty-sixth section of the Act last cited, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Tariff of rates to be fixed for water supply.

49. It shall and may be lawful for the said Council of the said city, when and so soon as they are prepared to supply the said city or any part thereof with water, to establish a tariff of rates for water supplied or ready to be supplied in the said city from the said Water Works, which said tariff of rates shall be payable at the times and in the manner to be established in the said By-law, by all proprietors, occupants or others supplied with water from the said works, or whom the said Council are prepared and ready to supply with water from the said works ; which tariff of rates shall not, however, be made payable before the water is ready to be supplied to the said proprietors, occupants or others, by the said Council ; the said tariff of rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse as by those who consent to receive into their houses, stores, shops, offices, places of business, or other buildings, the water-pipe to supply the said water ; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store, shop, office, place of business, or building, until after the said Council shall have notified them that they are prepared and ready to supply such house, store, shop, office, or place of business or building, with water, and if, from the time of such notification to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period, as if accruing day by day ; Provided that the expense of introducing the said water into the said houses, stores, shops, offices, or places of business, or other buildings, shall be borne by the said Council, and the work performed by the same ; but the distribution of the water through the said houses, stores, shops, offices, places of business, or other buildings, after being introduced

When to become payable.

Proviso : As to cost of introducing water.

into them, shall be borne by such proprietors or occupiers, if required by them; Provided that in every case where such proprietor shall refuse or neglect to make the expense required for the distribution of the said water, and that the said Council shall exact the payment of the water-rate imposed in and by the present section from the tenant, then, in every such case, such tenant may withhold from the said proprietor, out of the rents to be paid him for the property he occupies, the amount of water-rate thus paid by such tenant, unless such tenant be bound towards the said proprietor, by his lease or otherwise, to make the expense required for the distribution of the said water.

Proviso: As to payment by tenant.

50. And whereas, in cases where the said Council have purchased or taken and entered into property for the use of, or the improvement or extension of the Water Works of the said city, by virtue of the Act passed in the seventh year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a certain sum of money, and erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto*, doubts have been raised as to the authority or power of the said Council to grant mortgages (*hypothèques*) for the price of such property purchased, taken, or entered into, or any part thereof, remaining unpaid by the said Council: It is enacted, that in all such cases the said Council shall have power and authority to grant mortgages (*hypothèques*), on the property so purchased or taken, to the person or persons from whom such property may have been heretofore, or shall hereafter be purchased or taken, or to any other person or persons having a right to receive or accept the same, for the price or purchase-money thereof, or any part thereof, remaining unpaid and owing, in the like manner as any individual purchaser of the said property might or could have done, or may or can hereafter do.

Recital.

7 V., c. 44.

16 V., c. 127.

Doubts as to powers of Council to grant hypothecs removed.

Certain powers  
conferred on  
Superintendent  
of Police.

51. All the powers conferred by the sixty-eighth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, upon Justices of the Peace residing in the City and Town of Montreal, relative to the proceedings to be adopted in case of expropriation, are hereby granted to and conferred upon the Inspector and Superintendent of Police for the said City of Montreal; and the said Superintendent of Police shall, on presentation of a petition for the purpose, and in the manner specified in the said section, adopt the proceedings which Justices of the Peace are required, in and by the said section, to adopt in such cases.

Certain suits  
formerly  
brought by  
Revenue In-  
spectors may  
be brought by  
Policemen, and  
in Recorder's  
Court.

52. All suits, actions or prosecutions that could, before the passing of this Act, be brought and commenced in the name of one of the Revenue Inspectors, in virtue of the forty-second section of the Act fourteenth and fifteenth Victoria, chapter one hundred, may hereafter be brought and commenced before the Recorder's Court in the name of the said Corporation or of any member of the Police Force of the said city, provided they are brought for offences committed within the limits of the said city; and all and every the provisions of the said last cited Act in regard to said offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

Judgments of  
Recorder's  
Court may be  
registered  
summarily.

53. Notwithstanding any thing to the contrary contained in the Acts fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and eighteenth Victoria, chapter one hundred and sixty-two, it shall not be necessary hereafter to enregister at length the proceedings and judgments of the Recorder's Court in cases respecting the recovery of assessments, taxes and other dues of the like nature, but such proceedings and judgments shall be enregistered summarily; and it shall not be necessary, in any summons or action before the Recorder's Court, to specify or recite the By-law under which such action is brought, but it shall be sufficient to state that it is in virtue of the By-law in that behalf made.

54. The forty-fifth section of the Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby amended so that the word "February," wherever it occurs in the said section, shall be replaced by the word "April."

Sect. 45 of 14,  
15 V., c. 128,  
amended.

55. All the provisions of any law inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Contrary  
enactments.

56. Nothing herein contained shall be construed to repeal any By-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal every such By-law now in force shall have the same force and effect as if this Act had not been passed unless and until the same be repealed or altered by virtue of this Act.

Act not to re-  
peal any By-  
law.

57. This Act shall be deemed a Public Act.

Public Act.

[By the *sixth* section of the Act 24 Vic., Cap. 68, passed on the 18th May, 1861, it is enacted, That notwithstanding any thing contained in the Acts incorporating the City of Montreal, or amending the same, no By-law of the Corporation of the said city shall restrict or affect in any manner the exercise of the powers conferred upon the Harbour Commissioners of Montreal, under the various Acts relating to the said Harbour.]

The city By-  
laws shall not  
restrict the  
powers of the  
Harbour Com-  
missioners.

(7 VICTORIA, CAP. 44.)

An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works.

*(Assented to 9th December, 1843.)*

Preamble.

WHEREAS the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, incorporated by law, have, by their humble petition, addressed to the several branches of the Legislature, represented their having negotiated with "the Proprietors of the Montreal Water Works," incorporated by the Act of the Legislature of the late Province of Lower Canada, passed in the forty-first year of the Reign of His late Majesty King George the Third, for the purchase of the said Water Works, including the whole of the property, movable and immovable, connected therewith, and have concluded an agreement with the said proprietors for the purchase thereof, for the sum of Fifty Thousand Pounds, currency, payable in Debentures or Corporation Bonds, redeemable on or before the first day of November, one thousand eight hundred and sixty-eight, and bearing interest payable semi-annually at the rate of six per cent. per annum; And whereas the said Corporation have not funds at their disposal, or which they are now empowered by law to raise, sufficient to effect the said purchase, unless they suspend all the public works and improvements now requisite in the said city; And whereas under the provisions of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, incorporating the said Mayor, Aldermen and Citizens, it is enacted that it shall not be lawful for the Council of the said City of Montreal to borrow, on the credit of the said city at one time, any sum

or sums of money exceeding the aggregate amount of the revenue of the said city for five years, and that no sum or sums of money shall be so borrowed, while the said city shall be in debt to such aggregate amount, unless the said Council shall be authorized in this behalf by an Act of the Legislature of this Province; And whereas the said intended purchase will be greatly profitable to the city and highly beneficial to its inhabitants by enabling them to obtain a plentiful supply of pure and wholesome water at greatly reduced rates from those at present exacted by the said "Proprietors of the Montreal Water Works;" And whereas it is expedient to grant the prayer of the said Corporation as aforesaid, for authority to complete the said intended purchase on the terms in their said petition and hereinafter specially set forth; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said Corporation of the Mayor, Aldermen and Citizens of the said City of Montreal, on or after the first day of January next, provided due notice be given by the Council of the said city at least ten days prior to the now next annual election that the final purchase of the said Water Works will be a question to be decided by the City Council, one month subsequent to the said annual election, if they shall then deem it expedient, to make and perfect the purchase from "the Proprietors of the Montreal Water Works" or their representatives, incorporated under an Act of the Parliament of the late Province of Lower Canada, passed in the forty-first year of the Reign of His late Majesty King George the Third, intituled, *An Act for supplying the City of Montreal, and the parts thereunto adjacent, with Water*, of all such buildings, houses, sheds, engines,

The Corporation of the City of Montreal, after certain notice, authorized to make the purchase of "the Montreal Water Works" from the proprietors thereof, incorporated by Act 41 George III, c. 10, with all the movable and immovable property thereunto belonging, and all rights, authorities, and privileges now enjoyed by the said proprietors, for the sum of £50,000 currency.

water houses, reservoirs, reservatories, water wheels, fire engines, machinery, working gears, cisterns, ponds, basins of water, main pipes, rider pipes, stand pipes, service pipes, conduct pipes, branches of iron, lead or other metal, plugs, cocks, chambers, cocks in common, stop-cocks, stop-backs, valves, fire plugs, air plugs, fire-cocks, boxes, forcing mains, ferrils, feeders, campirs, drains, pumps, sluices and other works, devices or things; and generally all movable or immovable property connected with or belonging to the said Montreal Water Works, situated, lying, or being within the said City of Montreal or in the vicinity thereof, or requisite and necessary for the support and maintenance of the said Water Works, as also all lead, leaden and other pipes, brass cocks, fuel, tools and materials of every description, now possessed by the said "Proprietors of the Montreal Water Works," or appertaining to the establishment thereof, or that may have been ordered for the use of the said Water Works and not yet in their possession, together with all rights, privileges, powers and authority heretofore or now vested in or possessed by the said "Proprietors of the Montreal Water Works," under the Act aforesaid, at and for a sum, price or purchase money not exceeding Fifty Thousand Pounds, current money of this Province, to be payable in the manner hereinafter mentioned.

After such purchase, all the powers, privileges, rights, titles, and interest to the movable and immovable property connected with the Montreal Water Works, and for supplying the city with water, to be transferred to and vested in the said Corporation.

2. And be it enacted, That from and after the completion of the intended purchase, sale, transfer and conveyance as aforesaid, by and to the Corporation first above mentioned, all the powers, privileges and authority given and conferred upon, or possessed or enjoyed by the said "Proprietors of the Montreal Water Works," and all the property and possession of the said Water Works, in and by virtue of the said Act of the Parliament of the late Province of Lower Canada, incorporating the same, or in and by virtue of any other Act or Acts whatsoever relating to the same, shall be transferred, conveyed, made over to and conferred upon, possessed and enjoyed by the said Corporation first above mentioned in as full and effectual a manner as if the same were herein more specifically detailed, and all the powers, rights, title, interest,

privileges or claim, of the said "Proprietors of the Montreal Works," to, in, or upon all or any part of the said movable and immovable property, or for supplying the said city or the parts thereunto adjacent, with good and wholesome water, and all powers and authority heretofore and now possessed, enjoyed or claimed by them for that purpose, shall from thenceforth be vested in and belong to the Corporation, first above mentioned, and shall be managed by the Council of the said city as other property of the said Corporation, subject always to the provisions of this Act.

3. And be it enacted, That it shall and may be lawful for the said Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, after effecting the intended purchase as aforesaid, by any By-law to be hereafter passed in the manner provided by the said Ordinance incorporating the Inhabitants of the said city or by any Act that may hereafter be passed for the same purpose, and they are hereby authorized and empowered to improve, alter or remove the said Water Works, or any part or parts thereof, and to change the site of the several engines and place or sources of supply thereof, and also by themselves, their Agents, Deputies, Officers, Workmen, Servants or Assistants, from time to time to erect, construct, repair, and maintain any where within twelve miles from the nearest limits of the said city, all such buildings, houses, sheds, engines, water houses, reservoirs, reservatories, water sheds, fire engines, machinery, working gears, cisterns, ponds and basins of water, and the other works, devices and things hereinbefore recited in such manner and of such construction as they shall think necessary, proper or expedient for forcing, conveying and conducting, into and throughout the whole of the said city and the parts thereunto adjacent, or conducive to the existence, improvement or continuance of the said Water Works; and for effecting the foregoing or any other purpose or purposes connected with the said Water Works, it shall and may be lawful for the said Corporation, and they are hereby authorized and empowered to purchase, hold and acquire any lands, tenements and immovable estate, servitudes, usufruits,

The Corporation may improve, alter, or remove the said Water Works, may acquire additional real estate for that object, or dispose of that now by them enjoyed or possessed.



hereditaments, or other real property of any description, within the said City of Montreal or in the vicinity thereof, not distant more than twelve miles from the limits of the said city, which shall or may be necessary for the said Water Works, or for improving, altering, enlarging or extending the same ; saving nevertheless to the Seigneur or Seigniors within whose *censive* the said lands, tenements, immovable estate, hereditaments or other real property as aforesaid, so purchased, may be situate, his or their several and respective rights that may become legally due upon the commutation of the tenure of such lands and tenements, which commutation it shall be the duty of the said Corporation to effect with the least possible delay, and also to sell and dispose of any lands, tenements or immovable estate now possessed by the said Mayor, Aldermen and Citizens as aforesaid, or that may be hereafter purchased, acquired or possessed by them, if deemed requisite so to do for the purposes of the said Water Works.

Corporate bodies, and all other persons, authorized to sell any real estate required by the Corporation under this Act, and indemnified for the same.

4. And be it enacted, That it shall and may be lawful for all Bodies, Politic or Corporate or Collegiate Corporations, aggregate or sole, Communities, Husbands, Tutors or Guardians, Curators, *grévés de substitution*, and all Executors, Administrators and other Trustees or persons whatsoever, who are, or shall be seized or possessed of, or interested in, any lands, tenements, immovable estate, servitudes, usufruit and hereditaments, or other real property, within the said city, or within twelve miles thereof, which may be selected and desired by the said Corporation for the purposes of the said Water Works, after the purchase thereof as aforesaid, not only for and on behalf of themselves, their Heirs and Successors, but also for, and on behalf of, all persons whom they represent, or for whom, or in trust for whom, they are, or shall be seized, possessed or interested as aforesaid, whether Minors or issue unborn, Lunatics, Idiots, *Femes Covert*, or other person or persons, to contract for, bargain, sell and convey such lands, tenements, immovable estate, servitudes, usufruit and hereditaments or other real property, and such contracts, sales, agreements, assurances and con-

veyances so to be made, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary, notwithstanding ; and all Bodies Politic, Corporate or Collegiate, Communities, Corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for, and in respect of any such sale, which he, she, or they shall respectively make, by virtue of, or in pursuance of this Act ; securing always the rights of any person or party, to the whole, or any part of the purchase money, to be paid by the said Corporation, for any real property purchased, as aforesaid.

5. And be it enacted, That the said Corporation shall have full power, notwithstanding any law to the contrary, to take and enter into, after paying, tendering or depositing the value thereof, such land, ground, or real property of any description lying within the said city or within twelve miles of the limits thereof, not belonging to the Crown or vested in any officer, person or body for the public uses of the Province as may be necessary for enabling the said Corporation to carry this Act fully into effect, according to the true intent and meaning thereof, in the same manner, and under the same provisions, limitations and conditions, as if such land, ground, or real property lay within the City of Montreal, and were required for opening a new street or for any other purpose for which the said Corporation may lawfully take and enter into land, ground, or real property within the said city after paying, tendering or depositing the value thereof ; and it shall be lawful for the Governor or person administering the Government, in Council, if he shall deem it expedient, and on such terms and conditions as to him shall seem meet, to grant or lease to the said Corporation such portion of the Beach or Ground covered by the Waters of the River Saint Lawrence or other river, or of any other lands of the Crown, or such right or privilege of using the steam or water of any such river, as may be necessary to enable the said Corporation, more fully to carry this Act into effect ; any Act or law to the contrary notwithstanding.

Corporation may take and enter upon any land, being private property required for the purposes of this Act, after payment or tender of the value thereof.

Governor in Council may grant or lease to the Corporation any Beach lots, or Crown lands, or right of using water of any stream.

The Corporation authorized to open streets and erect works for conducting the water.

Corporation not to make use of private property without consent of the owner.

Grounds opened for the laying of pipes, and trenches to be filled, and the pavements made good.

6. And be it enacted, That it shall be lawful for the said Corporation, and their Agents, Deputies, Officers, Workmen, Servants and Assistants, to dig, break up, and remove the soil, posts, sewers, drains, pavements and gravelled ways, of any of the public highways, roads, streets, squares, hills, market-places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, gateways, closes, ditches, walls, precincts and other passages and places within the said city, and within twelve miles of the limits thereof, doing no unnecessary damage in the premises, and to enter into, and make use of, any private lands or grounds, within the said city and within twelve miles of the nearest part thereof, and to dig and sink branches, and lay and drive pipes, and put, fix and establish stop-cocks, fire plugs, air-cocks and branches from such pipes, and to widen common passages, for the laying and fixing such pipes, and all such matters and things as aforesaid, in such places and in such manner, as they shall judge necessary, for conveying the water to the respective houses, offices and other tenements of the said inhabitants of the said city, and the parts thereunto adjacent, and from time to time, as occasion may require, to alter the position of, and to repair, relay and maintain such pipes, stop-cocks, plugs, machinery, conduct-pipes, devices, matters and works aforesaid, and to do and perform all such other Acts, as shall from time to time be necessary or proper, for completing, amending, repairing, improving, and using the works already made or provided, or to be made, done or provided, for the purposes aforesaid : Provided always, that it shall not be lawful for the said Corporation, or any person acting under their authority, to enter into and make use of any private lands or grounds within the limits of the said city, and within twelve miles thereof, without the consent of the owner or owners thereof, except after paying, tendering or depositing the value thereof, as hereinbefore provided : And provided also, that the respective persons, who shall open and break up, or cause to be opened, or broken up, any ground, for laying, taking or repairing any pipe, or other work, as aforesaid, by virtue of

this Act, shall, and they are hereby required to take care, as far as may be, to preserve a free and uninterrupted passage through any street, lane, alley, road, square, public place, highway or other places, while the works are in progress, and to cause the trenches to be filled in, and the pavement or ground made in as good a condition as before the commencement of the work, without any unnecessary delay, and the rubbish occasioned thereby to be carried away as soon as reasonably may be, and in the meantime, to cause the place where the ground shall be opened or broken up, as aforesaid, to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of forfeiting for every neglect, to any person suing for the same, in a summary manner before any Justice of the Peace for the District, on the oath of one credible witness other than the party suing, a sum not exceeding five pounds, current money of this Province, over and above all such damages, as may be recovered against the said Corporation in any civil action.

7. And be it enacted, That where there are buildings within the said city, or the parts adjacent thereto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Corporation shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the water to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig and cut trenches therein for the purposes of laying down pipes or taking up and repairing the same, the said Corporation doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, for all damages to be by them sustained in or by the execution of all or any of the said powers ; subject to which provisions this Act shall be sufficient to indem-

When buildings are possessed by different proprietors or tenants, how the Corporation is to act, making satisfaction for all damages.

nify the said Corporation or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

WaterWorks so to be situated as not to endanger the public health or safety.

Corporation to be liable to prosecution for public or private nuisance.

8. And be it enacted, That the said Corporation shall so maintain or locate their Water Works and all apparatus and appurtenances thereunto belonging and appertaining or therewith connected, and wheresoever situated as in no wise to endanger the public health or safety : Provided always, that nothing in this Act contained shall prevent the said Corporation, their Officers, Servants, or Workmen from being prosecuted for public or private nuisance arising from the said Water Works, or any apparatus or appurtenances thereof, wheresoever situated, or from any neglect or want of skill on the part of the persons employed by the said Corporation, or to prevent the effect of any sentence or judgment lawfully rendered upon any such prosecution.

Penalty on procuring water without the consent of the Corporation, from their Water Works.

9. And be it enacted, That if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Corporation, or in any way obtain or use its water without the consent of the said Corporation, he or they shall forfeit and pay to the said Corporation the sum of twenty-five pounds current money of this Province ; and also, a further sum of one pound for each day such pipe or main shall so remain ; which said sum, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having civil jurisdiction to that amount.

Penalties on persons polluting waters in reservoirs.

10. And be it enacted, That in order to preserve the water now or hereafter to be conveyed into the said city, and the parts thereunto adjacent, clean and wholesome, if any person shall bathe or wash, or cleanse any cloth, wool, leather, skins, animals, or any noisome or offensive thing in any of the reservoirs, cisterns, ponds, sources or fountains, from which the water to supply the said City is to be obtained or conveyed, or cast, throw or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other annoyance to be

done to the water therein, every such person shall, on conviction thereof before any Justice of the Peace of the District, on the oath of one credible witness, be by the said Justice before whom such person shall be tried or convicted, adjudged and condemned to pay a penalty for every such offence, not exceeding five pounds, current money of this Province, one half to be applied to the use of the said Corporation, and the other half to him or her who shall sue for the same ; and in case the party suing for the same shall be the Corporation itself, or any of their Officers or Servants, then the whole of the said penalty shall be applied to the uses of the said Corporation, and the said Justice may also in his discretion further condemn such person to be confined in the Common Gaol of the District for a space of time not exceeding one month, as to such Justice may seem meet.

11. And be it enacted, That if any person or persons shall wilfully or maliciously hinder, obstruct, embarrass or interrupt the said Corporation, their Agent, or Agents, Officers, Workmen, Servants or Assistants, or any of them, in making, erecting, repairing or doing or performing any of the works aforesaid, or in the exercise of any of the powers and authorities by this Act granted, or shall break up, pull down, take away, put out of order, destroy, damage, or injure, any engine, water-house, pipe, plug or other works, or any matter, apparatus, device, or thing already made or provided, or which shall be made or provided for the purposes aforesaid, or any of the materials used or provided for the same or ordered to be erected, laid down or belonging to the said Corporation in connexion with the said works, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering, interrupting or embarrassing the construction, completion, maintaining or repairing of the said works, or in any wise cause or procure the same to be done, every person or persons so offending shall, for every such offence, forfeit and pay to the said Corporation the amount of damages sustained by means of such offence or injury, to be recovered by the said Corporation, with costs of suit, by

Penalty on persons damaging or injuring pipes, or other works.

action of debt before any competent Court or Tribunal within this Province.

Corporation may make By-laws for the regulation, maintenance, and protection of the Water Works.

12. And be it enacted, That it shall and may be lawful for the said Corporation as aforesaid, and they are hereby authorized and empowered to make such By-laws as to them shall seem requisite and necessary, for prohibiting, by fine not exceeding five pounds, currency, or imprisonment not exceeding one month, any person being occupant, tenant, or inmate of any house, supplied with water from the said Water Works, from vending, selling, or disposing of the said water, from giving it away, or permitting it to be so taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use or benefit, or increasing the supply of water agreed for with the said Corporation, or wrongfully, negligently or improperly wasting the water, for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said Works, the tenement or parties to which and whom the same shall be furnished, the price or prices to be exacted therefor, the time and mode and circumstances of payment therefor, and each and every other matter or thing, relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said Corporation with regard to the water so to be supplied.

Corporation to have no power to enact any By-law imposing any general water rent or tax, and to compel tenants, &c., to take the water.

13. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to confer upon the said Corporation any additional right of assessment beyond that now by them enjoyed, or of enforcing any general water rent or tax, or to permit the said Corporation by any By-law or other Municipal regulation hereafter to be determined upon by the said Corporation, in reference to the said Water Works, to subject any proprietor, householder or other person or persons to any general water rent or tax, unless he or they be actually supplied with water, or to compel any such proprietor, householder or other person or persons to receive

the said water, or the conduits thereof, into his or their premises.

14. And be it enacted, That for the purpose of effecting the purchase of the said Water Works, as aforesaid, if it shall then be deemed expedient by the said Corporation, it shall and may be lawful for the said Corporation, on or after the completion of the purchase of the said Water Works, to issue under the hand of the Mayor, and the seal of the said Corporation, debentures or Corporation bonds, to the amount of fifty thousand pounds, current money aforesaid, payable on or before the first day of November, in the year of Our Lord, one thousand eight hundred and sixty-eight, and bearing interest, payable semi-annually, on the first days of May and November, in each and every year, and at a rate not exceeding six per centum per annum.

Corporation authorized to issue debentures or bonds to the amount of £50,000, redeemable on or before 1st November, 1868, with interest semi-annually.

15. And be it enacted, That all the revenues arising from or out of the supplying of water, or from the property, movable or immovable, connected with the said Water Works, to be acquired by the said Corporation under this Act, shall, after providing for the interest accruing on the debentures or Corporation bonds issued by the said Corporation in pursuance of this Act, and the expenses attendant upon the maintenance of the said Water Works, be applied towards the immediate extinction of the principal of the debt incurred in the purchase thereof; and the said Corporation is hereby strictly prohibited and enjoined from applying any surplus revenue arising from the Water Works to any other purpose whatsoever, until the whole of the said debt and interest shall have been fully and completely discharged and extinguished, after which such surplus revenue shall make part of the general funds of the Corporation, and may be applied accordingly.

Revenues arising from the Water Works to be applied to the payment of the principal and interest of purchase and to no other purpose until the same is paid off.

16. And be it enacted, That receipts for any interest due on all debentures or Corporation bonds that shall lawfully be issued by the authority of this Act, and which shall from time to time remain undischarged and uncanceled, as well as such debentures or Corporation bonds themselves, shall and may, after the period therein appointed for the payment

Debentures or the interest thereon may be paid to the City Treasurer in payment of any debt due the city.



of either thereof, be received and taken, by the Treasurer of the said city, from any person making payment to him upon any account or for any cause whatever, on account of the said city, and that the same shall be deemed and taken as money, and as such shall be charged against, and credited to, such Treasurer aforesaid in his accounts with the said City: Provided always, that no interest shall run or be paid upon or for any such debenture during the time such debenture or Corporation bond so paid shall remain in the hands of the Treasurer as aforesaid, but for such time the interest on every such debenture or Corporation bond shall cease.

Interest not to run on debentures when in the hands of the City Treasurer.

Persons paying debentures to City Treasurer to endorse the time of payment.

17. And be it enacted, That the person or persons who shall pay any such debenture or Corporation bond so bearing interest, to the City Treasurer aforesaid, shall, at the time of making such payment, put his, or her, or their name or names, and write thereupon in words at length, the day of the month and year in which he, she or they so paid such debenture or Corporation bond, bearing interest; all which the said City Treasurer shall take care to see done and perform accordingly; and to the day so ascertained, the said City Treasurer shall be allowed the interest which he shall have paid or allowed upon such debenture or Corporation bond in his accounts with the said city.

Punishment on persons forging, altering or issuing forged or counterfeit debentures.

18. And be it enacted, That if any person or persons shall forge, alter or counterfeit any such debenture or Corporation bond which shall be issued under the authority of this Act, and remaining uncanceled, or any stamp, endorsement or writing therein or thereon, or tender in payment any such forged, altered or counterfeit debenture or Corporation bond, or any debenture or Corporation bond with such counterfeit endorsement or writing thereon or therein, or shall demand to have such altered or counterfeit debenture or Corporation bond or any debenture or Corporation bond, with such altered or counterfeit endorsement or writing thereon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever knowing the

debenture or Corporation bond, so tendered in payment or demanded to be exchanged, or the endorsement or writing thereon or therein, to be forged and counterfeit, and with intent to defraud the said city, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof convicted, shall be adjudged a felon, and shall be liable, at the discretion of the Court before which he, she or they may be tried, to be confined at hard labour in the Provincial Penitentiary, for any period not less than three years, or to be imprisoned in any other Prison or place of confinement for any period not exceeding two years.

19. And be it enacted, That it shall be the duty of the City Treasurer aforesaid, whenever called upon to pay or allow the interest upon any of the debentures or Corporation bonds issued under the authority of this Act, to take care to have the same endorsed on such debenture or Corporation bond at the time of payment thereof, expressing the period up to which the said interest shall have been so paid.

City Treasurer to endorse the payment of interest on debenture.

20. And be it enacted, That at any time after the debentures or Corporation bonds, or any of them that shall be issued under the authority of this Act, shall respectively become due according to the terms thereof, it shall and may be lawful for the Corporation aforesaid, if they shall think proper so to do, to direct a notice to be inserted in two or more of the Newspapers published in the said city, in the English and French languages, requiring all holders of the said debentures or Corporation bonds to present the same for payment, according to the conditions thereof; and if after the insertion of such notices for three months, any debentures or Corporation bonds then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures or Corporation bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Corporation by notice to call in debentures over due, and interest to stop on debentures called in after six months shall have expired.

Corporation may call in debentures before they are made payable, and after six months' notice all interest thereon to be stopped.

21. And be it enacted, That whenever it shall be deemed expedient by the said Corporation to redeem the said debentures or Corporation bonds, or any of them, at any time prior to the date at which the same may be made payable, with a view to diminish the debt to be contracted in the purchase of the said Water Works, it shall and may be lawful for the said Corporation to direct a notice to be inserted in all the newspapers published in the said City of Montreal, requiring all holders of the said debentures or Corporation bonds to present the same for payment; and if after the insertion of such notice for three months, any debentures or Corporation bonds, then issued, shall remain out more than six months after the first publication of such notice, all interest on such debentures or Corporation bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Corporation not to be prevented from borrowing money for the general purposes of the city, as heretofore.

22. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the Corporation, aforesaid, hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the purchase of the Water Works as aforesaid, or that debentures or Corporation bonds had not been issued by them for the amount or purchase thereof, or as if this Act had not been passed, any Act, Statute or Law or provision thereof to the contrary notwithstanding.

Particular statements of the revenue and expenditure of the Water Works to be kept and annually published.

23. And be it enacted, That the said Corporation shall be, and they are hereby required to keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said Water Works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said city, and shall annually, on or after the first day of January in each and every year, cause a statement of the affairs of the said Water Works to be published in two or more of the News-

papers of the said city, in the English and French languages, wherein shall be stated, the amount of the rents, issues and profits, arising from the said Works, the number of tenants supplied with water, the extent and value of the movable and immovable property thereunto belonging, the amount of debentures or Corporation bonds then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid : the expenses of collection and management, and all other contingencies, salaries of officers and servants, the cost of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be required for the use of the said Water Works, as also the value received for any real estate that may be sold and disposed of by the said Corporation, and generally such a statement of the revenue and expenditure of the said Water Works as will at all times afford to the Citizens of the said City of Montreal, a full and complete knowledge of the state of the affairs of the said Montreal Water Works.

24. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons, Body Corporate, Politic or Collegiate, from constructing any Works for the supply of water to his or their own premises, or to prevent the Legislature of the Province at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to or obtained by the said Corporation.

Act not to prevent private Water Works, nor to bind the Legislature.

25. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Bodies Politic or Corporate, except such only as are herein mentioned.

Rights of the Crown, &c., saved.

26. And be it enacted, That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this Act, the same shall be brought within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages,

Limitation of actions.

General issue  
and special mat-  
ter in evidence.

Treble costs.

Ordinances in-  
corporating the  
City of Mon-  
treal, in so far  
as they are not  
repugnant to  
this Act, to gov-  
ern any matter  
required under  
this Act.

All Acts or pro-  
visions of law,  
repugnant to or  
inconsistent  
with this Act, to  
be repealed, ex-  
cept as to past  
transactions.

shall cease, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and under the authority of this Act; and if it shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, then the judgment shall be entered for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit or shall suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared, or if a judgment shall be entered against the Plaintiff or Plaintiffs, or if upon exceptions or otherwise, judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble costs, and shall have such remedy for the same, as any Defendant hath for costs of suits in other cases of law.

27. And be it enacted, That all the enactments and provisions of the Ordinance of the Governor and Special Council, of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to incorporate the City and Town of Montreal*, as amended by a certain Ordinance of the Governor and Special Council aforesaid, passed for that purpose, also in the fourth year of Her present Majesty's Reign, and intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, shall, in so far as they shall not be repugnant to or inconsistent with, the express enactments and evident intent of this Act, extend to, and govern each and every act and thing required or authorized to be performed and done, under the authority of this Act, as if this Act had formed part of the said last mentioned Ordinances, or of either of them.

28. And be it enacted, That all Acts or Provisions of Law in force in this Province, or in any part thereof, before or up to the time when this Act shall come into force, which shall be inconsistent with, or contradictory to this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matters, shall,

from and after the time when this Act shall come into force, be and they are hereby repealed, except in so far as may relate to any circumstance, act or thing occurring, done, or effected before the commencement of this Act, which shall be dealt with, adjudged upon, and determined, as if this Act had not been passed.

29. And be it enacted, That this Act shall be and is hereby declared to be a Public Act, and shall as such be judicially taken notice of by all Judges, Justices and other persons in this Province, without being specially pleaded. To be deemed a public Act.

(16 VICTORIA, CAP. 127.)

An Act to authorize the Mayor, Aldermen, and Citizens of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said city, and to extend and amend the provisions of any Act relating thereto.

(Sanctioned 23rd May, 1853.)

Preamble.

WHEREAS, the present supply of water for the City of Montreal, and the mode adopted for supplying the same, have been found to be insufficient ; And whereas it is necessary greatly to increase that supply ; And whereas the Mayor, Aldermen and Citizens of the said City of Montreal by their Petition have prayed that powers be granted them for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every the powers, privileges and authority of the Corporation of the said City of Montreal under the Act of the Parliament of this Province passed in the seventh year of Her Majesty's reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, shall, in so far as the same apply to the construction and extension of Water Works in the City of Montreal and the parts adja-

Provisions of 7  
V., c. 44, ex-  
tended.

cent thereto, be and belong to the said Corporation for the erection and construction of the Water Works constructed or erected, or intended so to be, under this Act ; and all and every the clauses of the said Act shall be held to be a portion of this Act, in every particular thereof not inconsistent with the provisions hereof.

2. And be it enacted, That for the purpose of establishing the said Water Works as aforesaid, it shall and may be lawful for the said Corporation to borrow a sum not exceeding one hundred and fifty thousand pounds sterling money of Great Britain, before or after the completion of the said Water Works, and to issue under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds, to the said amount of one hundred and fifty thousand pounds sterling, aforesaid, payable on or before the first day of November, in the year of our Lord, one thousand eight hundred and seventy-eight, and bearing interest, payable semi-annually, on the first days of November and May in each and every year, and at a rate not exceeding six per centum per annum ; and all such debentures may be in any form not inconsistent with this Act, and may have coupons thereunto annexed for the half yearly interest thereon, which coupons being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation ; and the possession of any such coupon by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debenture ; and all the provisions of this section shall apply as well to the debentures heretofore issued as to those to be issued after the passing of this Act ; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by the special privilege on the Water Works mentioned in the fifteenth section of the Act above cited, which said privileges shall nevertheless only rank in order next after the privilege secured to the holders of bonds

Corporation empowered to borrow £150,000 and issue debentures.

Provisions to apply to debentures already issued.



(16 VICTORIA, CAP. 127.)

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said city, and to extend and amend the provisions of any Act relating thereto.

(Sanctioned 23rd May, 1853.)

Preamble.

WHEREAS, the present supply of water for the City of Montreal, and the mode adopted for supplying the same, have been found to be insufficient ; And whereas it is necessary greatly to increase that supply ; And whereas the Mayor, Aldermen and Citizens of the said City of Montreal by their Petition have prayed that powers be granted thereto for that purpose: Be it therefore enacted by the Queen Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada* is hereby enacted by the authority of the same, That every the powers, privileges and authority of the Corporation of the said City of Montreal under the Act of the Parliament of this Province passed in the seventh year of Her Majesty's reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and improve the property now known as the Montreal Water Works* in so far as the same apply to the construction and management of Water Works in the City of Montreal

Provisions of 7  
V., c. 44, extended.

(16 VICTORIA, CAP. 127.)

An Act to authorize the Mayor, Aldermen, and Citizens of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said city, and to extend and amend the provisions of any Act relating thereto.

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Preamble.

WHEREAS, the present supply of water for the City of Montreal, and the mode adopted for supplying the same, have been found to be insufficient ; And whereas it is necessary greatly to increase that supply ; And whereas the Mayor, Aldermen and Citizens of the said City of Montreal by their Petition have prayed that powers be granted them for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every the powers, privileges and authority of the Corporation of the said City of Montreal under the Act of the Parliament of this Province passed in the seventh year of Her Majesty's reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, shall, in so far as the same apply to the construction and extension of Water Works in the City of Montreal and the parts adja-

Provisions of 7  
V., c. 44, ex-  
tended.

cent thereto, be and belong to the said Corporation for the erection and construction of the Water Works constructed or erected, or intended so to be, under this Act ; and all and every the clauses of the said Act shall be held to be a portion of this Act, in every particular thereof not inconsistent with the provisions hereof.

2. And be it enacted, That for the purpose of establishing the said Water Works as aforesaid, it shall and may be lawful for the said Corporation to borrow a sum not exceeding one hundred and fifty thousand pounds sterling money of Great Britain, before or after the completion of the said Water Works, and to issue under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds, to the said amount of one hundred and fifty thousand pounds sterling, aforesaid, payable on or before the first day of November, in the year of our Lord, one thousand eight hundred and seventy-eight, and bearing interest, payable semi-annually, on the first days of November and May in each and every year, and at a rate not exceeding six per centum per annum ; and all such debentures may be in any form not inconsistent with this Act, and may have coupons thereunto annexed for the half yearly interest thereon, which coupons being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation ; and the possession of any such coupon by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debenture ; and all the provisions of this section shall apply as well to the debentures heretofore issued as to those to be issued after the passing of this Act ; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by the special privilege on the Water Works mentioned in the fifteenth section of the Act above cited, which said privileges shall nevertheless only rank in order next after the privilege secured to the holders of bonds

Corporation empowered to borrow £150,000 and issue debentures.

Provisions to apply to debentures already issued.

issued under the provisions of the said Act, passed in the seventh year of Her Majesty's reign, or of any Act or provision of law in amendment thereof.

Debentures  
may be payable  
either within or  
without the  
Province, &c.

3. And be it enacted, That any sums which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid may be made payable either in this Province or elsewhere, and either in the currency of Canada, or in that of the place where the same shall be payable; and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Water Works  
pledged for the  
loan contracted  
under this Act.

4. And be it enacted, That the said Water Works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the Debentures in the last previous section mentioned shall have a concurrent pledge, mortgage, hypothec or privilege on the said Water Works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Corporation  
may sell exist-  
ing Water  
Works.

5. And be it enacted, That the said Corporation shall have power to sell, alienate, lease, and convey all or any parts of the existing Water Works and property appurtenant thereto or connected therewith, and to let and lease for life or for years, or for any number of years, any water privileges or ground therefor, belonging or appertaining to the said Corporation or which may be acquired by the said Corporation for the purposes of the said Water Works, upon such terms and conditions as to the said Corporation may appear just and expedient.

6. And be it enacted, That for and notwithstanding any thing to the contrary contained in the fifth or any other section of the said Act passed in the seventh year of Her Majesty's reign, and incorporated with this Act as aforesaid, the price or compensation to be paid by the said Corporation for or in respect of any real property to be taken or entered into by them in pursuance of the said Act or of this Act, not being within the limits of the said city, shall be ascertained, fixed and determined not by a jury, as provided by the sixty-eighth section of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, but by appraisers to be indifferently chosen, in manner following, to wit, one by the said Corporation, another by the said person or party, and a third or umpire, only in case of difference of opinion between them, by the said two others; and in case of the person or party neglecting to choose and appoint an appraiser within four days after notice in writing to that effect served upon him by or on behalf of the said Corporation, or in case of the appraisers chosen and appointed not agreeing upon the nomination of such third or umpire, an appraiser for such party or such third shall be appointed by any of the Judges of the Superior Court residing at Montreal; and the said appraisers and third or umpire shall be sworn before such Judge before their operation, which shall be conducted in the manner provided by the law of Lower Canada for proceedings by *experts*; and they shall hear any witnesses who may be brought before them in relation to the matter of the said appraisement, the said witnesses first sworn before a Judge or a Commissioner for taking affidavits or before any one of the said appraisers; and the decision of the said two appraisers if they shall agree, or of any one of the said appraisers and the umpire shall be conclusive, notwithstanding any want or defect of form in their proceedings.

How compensation for property taken, &c., shall be fixed in case of non-agreement.

14, 15 V., c. 128.

Mode of proceeding by appraisers.

Corporation  
may extend  
their works  
thirty miles  
from the city.

7. And be it enacted, That the said Corporation shall have power to extend all or any of their works for the said Water Works, to a distance not more than thirty miles from the limits of the City of Montreal: and all and every the provisions of law under the said Act in the first section of this Act mentioned, shall apply to the said extension, save and except as is herein and hereby expressly excepted.

Bridges to be  
built by the  
Corporation in  
certain cases.

8. And be it enacted, That if the said Corporation shall conduct the water for the supply of the said city and parts adjacent thereto under this Act, by or through a canal, the said Corporation shall have the power to lay out a road on either or both sides of the said canal, and upon the land by them acquired for the purposes thereof, of such width as the said Corporation shall deem expedient for public use or for the agricultural purposes of the proprietors through whose lands the said canal shall pass; and the Corporation shall, at their own expense, construct and maintain a good and sufficient farm bridge with a hand rail on each side thereof across the said canal, opposite, or as nearly so as possible, to the centre of the width of each farm divided in its length by the said canal, unless it shall be otherwise agreed upon in any case between them and the proprietor of any such farm.

Corporation  
may purchase  
certain pro-  
perty, with the  
consent of the  
owners.

9. And be it enacted, That it shall be lawful for the said Corporation to purchase and acquire, take and hold with the consent of the proprietor or other person having the right to sell or dispose of any real or immovable property intersected or divided by the line of the said canal, the rear portions of such property separated by the said canal from the residue thereof, as shall not be necessary for the purposes of the said Water Works; and it shall be lawful for the said Corporation thereafter to sell the same for the benefit of the said Water Works in the manner hereinafter mentioned.

Corporation to  
make fences.

10. And be it enacted, That the said Corporation shall construct and maintain, at their own expense, good and sufficient fences and ditches on each side of the land acquired by them for the purposes of the said canal, and along the lines of division between the same and the properties on either side thereof.

11. And be it enacted, That it shall be lawful for the said Corporation, and they are hereby authorized, to dredge, widen, deepen, and otherwise improve the little river, brook, or stream known as the River St. Pierre from the place where it may be reached, crossed or intersected by the said canal to its mouth, in such way and to such extent as may be necessary to adapt it to the reception and discharge of the waste or surplus water or drainage and leakage from the said canal or to make a new tail-race or discharge apart from the said little river; and for any such purpose, as well as for the purpose of making all such and so many catchwater and off take drains as may be found necessary in connection with the said canal, or for the purpose of diverting the drainage thereof or therefrom in other directions, by themselves, their deputies, agents, workmen and servants, at any time to enter into and upon and pass and repass over, across and along any lands and premises within the said distance of thirty miles from the said city, doing as little damage as possible and paying to the owner or other occupier thereof, or person interested therein, such compensation as may be agreed upon or as may be awarded in that behalf by appraisers chosen and appointed for the purpose of ascertaining, fixing and determining the same in the manner hereinbefore provided.

12. And be it enacted, That it shall not be lawful for the said Corporation to sell or lease any real or immovable property under this Act otherwise than by public auction, to be held at some certain time and place within the said city, of which at least fifteen days' public notice shall be given, by advertisement in at least one newspaper published in the said city in the English language, and in at least one other newspaper published in the said city in the French language, which said advertisement shall be published at least six times in each of the said newspapers during the said period of fifteen days.

13. And be it enacted, That this Act shall be held to be a Public Act.

Corporation may dredge the little River St. Pierre, &c., and provide for the carrying off of surplus water.

In what manner only the Corporation shall sell any real property under this Act.

Corporation may increase the power in the wheel-house, and construct a tail-race.

2. The said Corporation is hereby authorized to increase the motive power of the wheel-house by means of which the water conveyed through the newly constructed aqueduct is forced into the reservoirs of the said city, either by adding one or more wheels to the said wheel-house, or otherwise, and to construct and open, upon such site as will appear most convenient, a tail-race, by which the waste water coming from the new aqueduct into the wheel-house, may be carried into the river St. Lawrence; and for that purpose to acquire, in the manner and form and upon the conditions prescribed in and by the said Act, sixteenth Victoria, chapter one hundred and twenty-seven, all real estate, or any part thereof, which may be acquired for the construction of the said tail-race.

Corporation may borrow \$200,000 for certain purposes relating to the Water Works.

3. The said Corporation is hereby authorized to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said city, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of two hundred thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such coupon by the Corporation, shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such de-

Debentures.



benture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Water Works of the said city, on the property to be acquired, and on the works to be made under the authority of this Act, the same being hereby specially mortgaged for the payment of the debentures, both in capital and interest; provided however, that the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for securing payment of principal and interest.

4. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

How and where debentures may be made payable.

5. From and after the civic year, which shall commence for the said city on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing—

Yearly appropriations to be made by the City Council.

1. For the payment of the interest, and sums required for the Sinking Fund on the debt due by the said city;
2. For the general and ordinary expenses of the city;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per centum to meet unforeseen expenditure;

Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Appropriations limited.

Corporation may increase the power in the wheel-house, and construct a tail-race.

2. The said Corporation is hereby authorized to increase the motive power of the wheel-house by means of which the water conveyed through the newly constructed aqueduct is forced into the reservoirs of the said city, either by adding one or more wheels to the said wheel-house, or otherwise, and to construct and open, upon such site as will appear most convenient, a tail-race, by which the waste water coming from the new aqueduct into the wheel-house, may be carried into the river St. Lawrence; and for that purpose to acquire, in the manner and form and upon the conditions prescribed in and by the said Act, sixteenth Victoria, chapter one hundred and twenty-seven, all real estate, or any part thereof, which may be acquired for the construction of the said tail-race.

Corporation may borrow \$200,000 for certain purposes relating to the Water Works.

3. The said Corporation is hereby authorized to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said city, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of two hundred thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such coupon by the Corporation, shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such de-

Debentures.

benture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Water Works of the said city, on the property to be acquired, and on the works to be made under the authority of this Act, the same being hereby specially mortgaged for the payment of the debentures, both in capital and interest; provided however, that the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for securing payment of principal and interest.

4. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

How and where debentures may be made payable.

5. From and after the civic year, which shall commence for the said city on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing—

Yearly appropriations to be made by the City Council.

1. For the payment of the interest, and sums required for the Sinking Fund on the debt due by the said city;
2. For the general and ordinary expenses of the city;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per centum to meet unforeseen expenditure;

Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Appropriations limited.

Corporation may increase the power in the wheel-house, and construct a tail-race.

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Corporation may borrow \$200,000 for certain purposes relating to the Water Works.

3. The said Corporation is hereby authorized to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said city, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of two hundred thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such coupon by the Corporation, shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such de-

Debentures.

benture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Water Works of the said city, on the property to be acquired, and on the works to be made under the authority of this Act, the same being hereby specially mortgaged for the payment of the debentures, both in capital and interest; provided however, that the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for securing payment of principal and interest.

4. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

How and where debentures may be made payable.

5. From and after the civic year, which shall commence for the said city on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing—

Yearly appropriations to be made by the City Council.

1. For the payment of the interest, and sums required for the Sinking Fund on the debt due by the said city;
2. For the general and ordinary expenses of the city;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per centum to meet unforeseen expenditure;

Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Appropriations limited.

Council to limit the city expenditure to the said appropriations, &c.

6. It shall not be lawful for the said Council to expend beyond the amount so appropriated and the amount of the other sums at their disposal out of the receipts of the current year, except in cases and under the conditions hereinafter set forth; but the Council may at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure.

Penalty on Councillors authorizing any excess.

7. The Mayor and Councillors who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with the foregoing sections, shall alone be personally responsible therefor.

Except in cases of urgent necessity, &c., on imposing a special tax, &c.

8. In cases of urgent necessity, the said Council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city.

Inconsistent enactments repealed.

9. All the provisions of any law inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Public Act.

10. This Act shall be held and taken as a Public Act.

(25 VICTORIA, CAP. 44.)

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow certain sums of money for drainage and other purposes therein mentioned.

(Assented to 9th June, 1862.)

**W**HEREAS it is necessary to provide means for the more Preamble.  
effectual drainage of certain sections of the City of Montreal, where serious danger is apprehended to the lives of the inhabitants of the said city ; and whereas it is expedient to establish an Electric Fire-alarm Telegraph in the said city, the more effectually to guard against accidents by fire, and to subserve also the purposes of the Police and Water departments ; and whereas the Council of the said city have, by their petition, asked for the authority they require, to borrow the sums necessary for the purposes above referred to, and it is expedient to grant such prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. For the purpose of draining the localities above referred to, and also to assist the said Corporation in making the improvements and street repairs that may be required in the said city, during the present year, the said Corporation is hereby authorized to borrow a sum not exceeding one hundred and seventy-five thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of one hundred and seventy-five thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof, respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum ; and all such Loan of \$175,000 authorized for drainage. Debentures.

|   |   |
|---|---|
| Coupons.  | <p>debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient ; and they may have <i>coupons</i> annexed to them, for the half-yearly interest payable on them, which <i>coupons</i>, being signed by the Mayor or Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation ; and the possession of any such <i>coupons</i> by the Corporation shall be <i>prima facie</i> evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debentures ; and all such debentures, the interest as well as the principal thereof, are and shall be secured on the general funds of the said Corporation.</p>  |
| How secured.                                    |   |
| Loan of \$20,000 authorized for City Telegraph. | <p>2. For the purpose of constructing and establishing a City Electric Telegraph as aforesaid, it shall be lawful for the said Corporation to effect a special loan of twenty thousand dollars, to be designated the " City Telegraph Loan," and to issue, under the hand of the Mayor and the seal of the Corporation, debentures or Corporation bonds to the amount of twenty thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum ; and all such debentures shall be headed with the words or title " The City Telegraph Loan," to designate the object and purpose for which they shall be issued ; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient ; and they may have <i>coupons</i> annexed to them, for the half-yearly interest payable on them, which <i>coupons</i> being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation ; and the possession of any such <i>coupons</i> by the Corporation shall be <i>prima facie</i> evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture ; and all</p> |
| Debentures.                                     |   |
| Coupons.  |   |



such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the works and apparatus to be constructed and established by means thereof. How secured.

3. The amount which the said Corporation is empowered to borrow by the two preceding sections, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act. How and where debentures may be made payable.

4. And whereas the said Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, under the authority of an Act of the Provincial Legislature, passed in the twelfth year of Her Majesty's reign, intituled, *An Act further to amend an Act incorporating the St. Lawrence and Atlantic Railroad Company*, and with a view to promote the speedy completion of the said road, subscribed for five thousand shares of the stock of the said St. Lawrence and Atlantic Railroad Company, the said shares representing a capital of one hundred and twenty-five thousand pounds, for which the said Corporation issued their bonds or debentures, as a loan in favour of the said Company, payable as follows, viz : Recital of loan to St. Lawrence and Atlantic R. Company.  
12 V., c. 176.

1. Twenty-five thousand pounds on the first of March, one thousand eight hundred and fifty-seven ;
2. Twenty-five thousand pounds on the first of June, one thousand eight hundred and fifty-nine ;
3. Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-one ;
4. Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-three ;
5. Twenty-five thousand pounds on the first of September, one thousand eight hundred and sixty-five ;

16 V., c. 89.

And whereas an Act was passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned, incorporating Railway Companies*; and

whereas under the powers and provisions of the hereinbefore last cited Act, the said St. Lawrence and Atlantic Railroad Company has been united with and incorporated into the Grand Trunk Railway Company, under the name of "The Grand Trunk Railway Company of Canada," upon certain terms and conditions embodied in an agreement made and passed between the Directors of the said St. Lawrence and Atlantic Railroad Company, and the said Grand Trunk Railway Company, bearing date the twelfth day of April, one thousand eight hundred and fifty-three, and which agreement has since been ratified and confirmed by an Act passed in the

18 V., c. 88.

eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada*; and whereas the said Grand Trunk Railway Company have, by the said amalgamation and by the said agreement of the twelfth of April, one thousand eight hundred and fifty-three, assumed and become responsible for all the liabilities and debts of the said St. Lawrence and Atlantic Railroad Company, including the payment of the bonds or debentures hereinbefore referred to; and whereas the said Grand Trunk Railway Company have, by virtue of the said amalgamation and of the said agreement, paid and redeemed the first and second instalments of the said bonds or debentures, amounting to twenty-five thousand pounds each, and respectively due on the first of March, one thousand eight hundred and fifty-seven, and first of June, one thousand eight hundred and fifty-nine, as aforesaid; and whereas the said Grand Trunk Railway Company have failed to meet the payment of the third instalment of the said bonds or debentures, due on the first of October last past, as well as the interest accrued on the said bonds or debentures since

the first day of March, one thousand eight hundred and sixty-one; and whereas there is reason to believe the said Grand Trunk Railway Company may not meet or redeem the payment of the balance due as aforesaid, or to be due on the said bonds or debentures at the period and periods fixed for such payment and redemption; and whereas the said Corporation have no funds at their disposal with which to meet or redeem the payment of the said bonds or debentures at maturity, and it is expedient that some provisions should be made to enable the said Corporation to take up or redeem the said bonds or debentures at their maturity, in the event of the said Grand Trunk Railway Company failing to do so;—Therefore, for the purpose of enabling the said Corporation to pay the instalment due as aforesaid on the first of September, one thousand eight hundred and sixty-one, on the said bonds or debentures, and also the last two instalments thereof, to be respectively due as aforesaid, on the first of October, one thousand eight hundred and sixty-three, and the first of September, one thousand eight hundred and sixty-five, and the interest thereon, if not previously redeemed by the said Grand Trunk Railway Company, the said Corporation may and they are hereby authorized to borrow a sum of three hundred and fifty thousand dollars, and to issue, under the hand of the Mayor and the seal of the said Corporation, debentures or bonds, payable twenty years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November, in each and every year, and at a rate not exceeding six per centum; and all such debentures or bonds may be issued from time to time, at such periods, and for such amounts as may be deemed necessary, and they may have *coupons* annexed to them, in the same manner and form as the bonds or debentures referred to and authorized to be issued by the first and second sections of this Act, and generally all the provisions of the first, second and third sections of this Act, as to the debentures to be issued under the authority of the same, shall apply to the debentures or bonds to be issued under the present section, except only in so far as they may be inconsistent with the present

Loan of \$350,000 authorized, to pay off remainder of the said loan, if not redeemed by Grand Trunk Railway Company.

Debentures, and what provisions shall apply to them.

**Proviso.** section ; Provided, however, that nothing herein contained shall in any way interfere with, alter or affect any right or claim which the said Corporation may have or possess against the said Grand Trunk Railway Company of Canada, as regards the payment of the original bonds or debentures granted by the said Corporation to the said St. Lawrence and Atlantic Railroad Company as aforesaid, and that the obligation to redeem the said bonds or debentures, and interest thereon, at maturity, assumed by the said Grand Trunk Railway Company, as aforesaid, shall continue to have its full effect and remain in force, notwithstanding any thing contained in the present Act ; Provided, also, that nothing in this section shall be construed to exempt or relieve the said Grand Trunk Railway Company from any of the liabilities incurred or assumed by them, in regard to the payment of the said bonds or debentures, by the amalgamation of the said Grand Trunk Railway Company with the said St. Lawrence and Atlantic Railroad Company as aforesaid, and the agreement entered into, as aforesaid, between those two Companies on the twelfth of April, one thousand eight hundred and fifty-three.

**Inconsistent enactments repealed.**

5. All the provisions of any law inconsistent with the provisions of this Act shall be and the same are hereby repealed.

**Public Act.**

6. This Act shall be held to be a Public Act.

(18 VICTORIA, CAP. 142.)

An Act to transfer to the City of Montreal, all the property, rights and privileges heretofore enjoyed by the Wardens of the House of Industry, in the City of Montreal, and for other purposes.

(Assented to 19th May, 1855.)

WHEREAS by an Act of the Legislature of Lower Preamble.  
Canada, passed in the fifty-eighth year of the reign of King George the Third, intituled, *An Act to establish a House of Industry in the City of Montreal*, a corporation and body politic and corporate by the name of *the Wardens of the House of Industry in the City of Montreal*, was erected and established for carrying into effect the last will and testament of the late John Conrad Marsteller, who died on the seventeenth day of May, one thousand eight hundred and eight, having by his said will bequeathed certain real and immovable estates, and the rest, residue and remainder of all and every his estate, property and effects, after payment of his debts and legacies, for the purpose of establishing in the said City of Montreal, a House of Industry; and whereas the said Corporation so established hath been found ineffectual for the proper establishment and management of the said House of Industry, and the benevolent intentions of the said John Conrad Marsteller in bequeathing the aforesaid estate and property are thereby likely to be defeated, unless the control and direction of the affairs of the said House of Industry be transferred to and vested in other management; And whereas by the joint petition of the said Wardens of the said House of Industry and of the Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, it is prayed that the powers, rights and privileges conferred on

Act of L. C., 58  
Geo. III, c. 15.

the said Wardens by the aforesaid Act, as well as the property, estate, chattels and effects of the said House of Industry so incorporated, may be transferred to and made to vest in the said Corporation, known as *The Mayor, Aldermen and Citizens of the City of Montreal*, and the entire management and control thereof in future be confided to them, and that such further powers may be granted to them for the making of By-laws and the appointment of overseers and other officers for the well governing and management of the said House of Industry and of the estate and property thereof, as may by them be deemed necessary effectually to carry out the object of the late John Conrad Marsteller, as expressed in his said will ; And whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property will be more effectually accomplished by such transfer of the said estate, property and effects to the said Mayor, Aldermen and Citizens of the City of Montreal : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

The said Act, and the 7th Geo. IV, c. 4, and 9 Geo. IV, c. 43, amending it, repealed.

1. From and after the passing of this Act, the said Act of the Parliament of Lower Canada, passed in the fifty-eighth year of the reign of King George the Third, chapter fifteen, and the several Acts of the said Parliament of Lower Canada amending the same, passed in the second year of the reign of King George the Fourth, in the seventh year and in the ninth year of the said reign, shall be and the same are hereby repealed.

Property now held for the said Institution transferred to the Corporation of Montreal.

2. From and after the passing of this Act, the real or immovable estates, and the rest, residue and remainder of all and every the estates, property and effects, after the payment of his just debts and legacies, left by the said late John

Conrad Marsteller under and by virtue of his said last will and testament, for the purpose of establishing in the said City of Montreal a House of Industry, and all and every the real and personal estate, property, chattels and effects in any way belonging and pertaining to the said Corporation or body politic and corporate, known as *The Wardens of the House of Industry in the City of Montreal*, in the hands and possession of whomsoever the same may be, shall vest in and become and be the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of sustaining and keeping up in the said City of Montreal a House of Industry, as contemplated and provided for by the said will of the said late John Conrad Marsteller; and the said Mayor, Aldermen and Citizens of the City of Montreal shall and may take and claim, and if necessary, sue for and recover the same, of and from the said Wardens and every of them, and of and from every other person or persons in whose possession the same or any part thereof is, may be, or be found.

Powers of the Corporation as to such property.

3. The said Mayor, Aldermen and Citizens of the City of Montreal, are hereby authorized and empowered to establish, sustain and keep up a House of Industry in the said City of Montreal, and to use and apply the property, estates, moneys, chattels and effects by this Act declared to be vested in and to become the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of establishing, sustaining and keeping up the said House of Industry, and from time to time to make and pass such By-laws, Rules and Regulations for the management and direction of the said House of Industry, as they may think fit, provided the same are not repugnant to the laws in force in this Province; and from time to time to appoint, discharge and re-appoint such overseers and other officers as they may deem it necessary to appoint for the management of the said House of Industry.

Corporation empowered to establish and maintain a House of Industry in the city, and to make By-laws for its governance.

4. The said Mayor, Aldermen and Citizens of the City of Montreal, at all times hereafter, shall and may have power and authority to purchase, take, acquire and hold by will, gift or otherwise, lands, tenements, real and immovable

Corporation to have power to acquire and hold property for the purposes of the institution.

And to alienate  
the same and  
acquire other  
property.

estates, rents, usufructs, servitudes and hereditaments, and to erect houses and buildings thereon for the use and purposes of the said House of Industry in the City of Montreal, and shall also have power and authority at all times hereafter, to sell and dispose of the real and immovable estate by this Act vested in the said Mayor, Aldermen and Citizens of the City of Montreal, or which may be hereafter purchased or acquired by them for the purposes of the said House of Industry; but in case the said Mayor, Aldermen and Citizens of the City of Montreal, shall so sell and dispose thereof, or of any part thereof, they shall, as soon as may be convenient thereafter, apply the proceeds thereof to the purposes of the said Institution, by the purchase of other lands and tenements, real or immovable estate, more fit and proper for promoting the permanent establishment thereof.

Public Act.

5. This Act shall be deemed a Public Act.



(24 VICTORIA, CAP. 84.)

An Act to incorporate the Montreal City Passenger Railway Company.

(Assented to 18th May, 1861.)

WHEREAS the persons hereinafter named have, by Preamble.  
their petition, prayed that they may be incorporated  
under the title of "The Montreal City Passenger Railway  
Company," for the purpose of constructing and operating  
Street Railways in the City and Parish of Montreal ;" And  
whereas it is expedient to grant the prayer of the petitioners:  
Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Council and Assembly of Canada, enacts  
as follows :

1. William Molson, John Ostell, William Dow, Johnston Incorporation  
of the Com-  
pany.  
Thomson, William Macdonald, John Carter, Thomas Ryan,  
William E. Phillips, and such other persons as shall become  
shareholders of the said Company, are hereby constituted a  
body corporate and politic, for the purposes herein mentioned,  
by the name of "The Montreal City Passenger Railway  
Company of Montreal."

2. The capital stock of the Company shall be three hundred Capital.  
thousand dollars, in shares of fifty dollars each.

3. The Company may commence operations and exercise When the Com-  
pany may com-  
mence.  
the powers hereby granted so soon as one hundred thousand  
dollars of the capital stock shall be subscribed, and twenty  
per cent. thereon paid up.

4. The Company are hereby authorized and empowered Company may  
construct and  
work a Street  
Railway by  
animal power.  
to construct, complete, maintain, and from time to time  
remove and change, a double or single track iron railway,  
with the necessary side tracks, switches and turn-outs, and  
other appliances, for the passage of cars, carriages and other  
vehicles and particularly those adapted to the same, upon and

May use the streets and highways, subject to the By-law on the subject.

along any of the streets in the City of Montreal, mentioned in the By-law of the Corporation of the City of Montreal, numbered two hundred and sixty-five, and in conformity with the said By-law, and upon and along any other streets in the said city which they may be authorized to pass along by any subsequent By-law of the said Corporation, and with the divisions and subject to the limitations set forth and provided by the said By-law, or by any such subsequent By-law, and upon and along the highways in the Parish of Montreal, leading into the said streets and contiguous thereto, or any of them; and to take, transport and carry passengers upon the same, and to construct and maintain all necessary works, buildings and conveniences therewith connected; and to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages; but the Company shall not be permitted to use steam power upon the said railway.

Not to use steam power.

Railway to be flush with the streets.

5. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the Company; and in all cases, any carriage or vehicle on the track shall give place to the cars by turning off the track.

Board of Directors.

Qualification.

Election.

6. The affairs of the Company shall be under the control of and shall be managed and conducted by a Board to consist of five Directors, each of whom shall be a stockholder to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday of November of every year at the office of the Company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy; and the Directors so chosen shall, as soon as may be, elect one of their number to be Pre-

sident, which President and Directors shall continue in office one year and until others shall be chosen to fill their places; and, if any vacancy shall at any time happen of the President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year. Vacancies.

7. The said William Molson, John Ostell, William Dow, Johnston Thomson, and William Macdonald, shall be the first Directors of the Company, and shall severally hold their offices till the first Wednesday of November next after the Company goes into operation. First Directors.

8. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such By-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with the said city or the adjoining municipalities, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates, and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the railway or any part thereof, and in general to do all things that may be necessary to carry out the objects, and exercise the powers incident to the Company. Directors to make By-laws for certain purposes.

9. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by By-law direct. General powers.

10. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved; but the stockholders may hold the election on any other day in the manner provided for by any By-law passed for that purpose; and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company. Stock deemed personal estate.

10. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved; but the stockholders may hold the election on any other day in the manner provided for by any By-law passed for that purpose; and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company. Company not dissolved for want of election.

Power to acquire real estate.

11. The Company may purchase, lease, hold, acquire and transfer all real or personal estate necessary for carrying on the operations of the Company.

Power to borrow \$100,000 upon Debentures.

12. The Directors of the Company may, from time to time, raise or borrow, for the purposes of the Company, any sum or sums not exceeding in the whole, one hundred thousand dollars by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the Company or any part thereof, for the re-payment of the moneys so raised or borrowed and the interest thereon : Provided always, that the consent of three-fourths in value of the stockholders of the Company, shall be first had and obtained at a special meeting to be called and held for that purpose.

Proviso.

The city and adjoining municipalities may agree with the Company as to certain matters.

13. The said city and the adjoining municipalities or any of them, and the said Company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said railway, for the paving, macadamising, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways—the location of the railway and the particular streets along which the same shall be laid—the pattern of rail—the time and speed of running of the cars—the amount of license to be paid by the Company annually—the amount of fares to be paid by passengers—the time within which the works are to be commenced—the manner of proceeding with the same and the time for completion—and generally for the safety and convenience of passengers—the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic.

City and municipalities may pass By-laws for giving effect to such agreement.

14. The said By-law number two hundred and sixty-five of the Corporation of the City of Montreal is hereby confirmed, and the provisions thereof shall be binding upon the said Corporation and upon the said Company to the same extent as if the same were incorporated into this Act ; and the said

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city and the said municipalities are hereby authorized to pass any further By-law or By-laws, and to amend, repeal and enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, and for the adjoining obedience thereto,—and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass; Provided also, that no such further By-law or By-laws shall infringe upon the privileges granted to the said Company by the said By-law, number two hundred and sixty-five, and by this Act.

15. This Act shall be deemed a Public Act.

Public Act.

## ACTS RELATING TO THE RECORDER'S COURT.

### CONSOLIDATED STATUTES—CANADA.

(CHAPTER 105.)

An Act respecting the prompt and summary  
administration of Criminal Justice in cer-  
tain cases.

HER Majesty, by and with the advice and consent of the  
Legislative Council and Assembly of Canada, enacts  
as follows :

Power to Re-  
corders to try  
persons guilty  
of larceny to  
an amount not  
exceeding one  
dollar, &c.

1. Where any person is charged before the Recorder of  
any city with having committed—

1. Simple larceny, and the value of the whole of the pro-  
perty alleged to have been stolen does not in the judgment of  
such Recorder exceed one dollar ; or

2. With having attempted to commit larceny from the  
person ; or

3. With simple larceny ; or

4. With having committed an aggravated assault, by un-  
lawfully and maliciously inflicting upon any other person,  
either with or without a weapon or instrument, any grievous  
bodily harm, or by unlawfully and maliciously cutting, stab-  
bing or wounding any other person ; or

5. With having committed an assault upon any female  
whatever, or upon any male child whose age does not in the  
opinion of such Recorder exceed fourteen years, such assault  
being of a nature which cannot in the opinion of the Recorder  
be sufficiently punished by a summary conviction before him  
under any other act, and such assault if upon a female not  
amounting in his opinion to an assault with intent to commit  
a rape ; or

6. With having assaulted any magistrate, bailiff, or constable, or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or

7. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame, or bawdy house;

Such Recorder may hear and determine the charge in a summary way. 20 V., c. 27, s. 1,—22 V., c. 27, s. 1, (1858).

2. Whenever the Recorder before whom any person is charged as aforesaid proposes to dispose of the case summarily under the provisions of this Act, such Recorder, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and if it is in the election of the person charged, shall then say to him these words, or words to the like effect: Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the Court at which it could soonest be tried*) ;” and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if it is a case not within the election of the person charged, the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge;

Accused to be asked whether he consents to the charge being tried summarily.

If he consents;

3. If the person charged confesses the charge, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act, in respect to such offence; but if the person charged says that he is not guilty, the Recorder shall then examine the witnesses for the prosecution, and when the examination has been completed, the Recorder shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the Recorder shall hear such defence, and shall then proceed to dispose of the case summarily. 22 V., c. 27, s. 3.

And admits his guilt;

Or if he pleads not guilty.

4. In the case of larceny charged under the first, second

If convicted.

- or third sub-sections of the first section of this Act, if the Recorder, after hearing the whole case for the prosecution and for the defence, finds the charge proved, then such Recorder shall convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any period not exceeding three months. 20 V., c. 27, s. 1.
- Punishment.**
- Form of conviction, &c.** 5. Every such conviction and certificate respectively may be in the forms A and B, in this Act, or to the like effect. 20 V., c. 27, s. 1.
- If not proved, the case to be dismissed.** 6. If in any case the Recorder finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal. 20 V., c. 27, s. 1.
- When the case may be dealt with in the ordinary way.** 7. When being in the election of the person charged he does not consent to have the case heard and determined by the Recorder, or in any case if it appears to the Recorder that the offence is one which, owing to a previous conviction of the person charged, is by law a felony, or if such Recorder be of opinion that the charge is, from any other circumstances fit to be made the subject of prosecution by indictment rather than to be disposed of summarily, such Recorder shall deal with the case in all respects as if this Act had not been passed. 20 V., c. 27, s. 1,—22 V., c. 27, s. 3.
- When the Recorder may dismiss the case without convicting.** 8. If upon the hearing of the charge such Recorder is of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he may dismiss the person charged without proceeding to a conviction. 20 V., c. 27, s. 1,—22 V., c. 27, s. 2, No. 5.
- How Recorder to proceed when certain larcenies exceeding one dollar are deemed fit to be dealt with summarily.** 9. Where any person is charged before any Recorder with simple larceny of property exceeding in value one dollar, or with stealing from the person, or with larceny as a clerk or servant, and the evidence in support of the prosecution is in the opinion of the Recorder sufficient to put the person charged on his trial for the offence charged, such Recorder, if the case appear to him to be one which may properly be disposed of in a summary way, and may be



adequately punished by virtue of the powers of this Act, shall reduce the charge into writing, and shall read it to the said person, and shall then explain to him that he is not obliged to plead or answer before such Recorder at all, and that if he do not plead or answer before him, he will be committed for trial in the usual course. 20 V., c. 27, s. 3.

10. The Recorder shall then ask whether he is guilty or not of the charge, and if such person says that he is guilty, such Recorder shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any term not exceeding six months, and every such conviction may be in the form C, or to the like effect. 20 V., c. 27, s. 3.

If the accused admits his guilt, he may be convicted and sentenced forthwith.

11. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by counsel or attorney. 20 V., c. 27, s. 4.

Accused person allowed full defence, &c.

12. The Recorder before whom any person is charged under this Act, may by summons require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Recorder may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first made of such persons having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the Recorder before whom such person ought to have attended may issue a warrant to compel his appearance as a witness. 22 V., c. 27, s. 4.

Recorder may compel attendance of witnesses.

13. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of

Summons, how served.

such party's usual place of abode; and every person so required by any writing under the hand of any Recorder to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. 22 V., c. 27, s. 5.

When the consent of the party charged to be tried by the Recorder not requisite.

14. The jurisdiction of the Recorder in the case of any person charged, within the police limits of any city in this Province, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Recorder, nor shall such party be asked whether he consents to be so tried. 22 V., c. 27, s. 2, No. 1.

When consent to be so tried not necessary in the case of seafaring men.

15. The jurisdiction of the Recorder shall also be absolute in the case of any person, being a seafaring person and only transiently in this Province, and having no permanent domicile therein, charged, either within the City of Quebec as limited for the purposes of the Police ordinance, or within the City of Montreal as so limited, with the commission therein of any other of the offences mentioned in the last preceding section, and such jurisdiction shall not depend on the consent of any such party to be tried by the Recorder, nor shall such party be asked whether he consents to be so tried. 22 V., c. 27, s. 2, No. 2,—See 2 V., c. 2, L. C.

Punishment in cases summarily tried under the 4th to the 7th sub-sections of section one.

16. In any case summarily tried under the fourth, fifth, sixth or seventh sub-sections of the first section of this Act, if the Recorder finds the charge proved, he may convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned with or without hard labour for any period not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum; and such fine may be levied by warrant of distress under the hand and seal of such Recorder, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol, for a further period not exceeding six months unless such fine be sooner paid. 22 V., c. 27, s. 2, No. 3.

Levying fine.

Imprisonment if not paid.

17. In such cases as last aforesaid, the forms given at the end of this Act, shall be altered by omitting the words stating the consent of the party to be tried before the Recorder, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subject if the fine be not sooner paid. 22 V., c. 27, s. 2, No. 4.

Forms may be altered to suit the last section

18. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion of such Justice or Justices, the case may be proper to be disposed of by a Recorder, or by an Inspector and Superintendent of the Police, or by a Police Magistrate, as herein provided, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the Recorder or before the Inspector and Superintendent of the Police of the nearest city, or before the nearest Police Magistrate, in like manner in all respects as a Justice or Justices are authorized to remand a party accused under the general Act respecting the duties of Justices of the Peace out of sessions in like cases. 20 V., c. 27, s. 5.

When J. P. may remand accused party to be dealt with by a Recorder. &c.

19. No Justice or Justices of the Peace in Upper Canada, shall so remand any person for further examination before any Recorder, Inspector and Superintendent of Police, or Police Magistrate in Lower Canada, nor shall any Justice or Justices of the Peace in Lower Canada so remand any person for further examination before any Recorder or Police Magistrate in Upper Canada. 20 V., c. 27, s. 5.

But within U. C. or L. C., as the case may be.

20. Any person so remanded for further examination before the Recorder of any city, may be examined and dealt with by the Inspector and Superintendent of the Police or Police Magistrate of the same city; and any person so remanded for further examination before the Inspector and Superintendent of the Police or the Police Magistrate of any city, may be examined and dealt with by the Recorder of the same city. 20 V., c. 27, s. 5.

Such party may be dealt with by the Recorder or Police Magistrate.

21. If any person suffered to go at large upon entering into such recognizance as the Justice or Justices are autho-

Proceedings if party remanded fail to appear

pursuant to re-  
cognizance. rized under the last mentioned Act to take, on the remand of a party accused conditioned for his appearance before a Recorder under the preceding sections of this Act, does not afterwards appear pursuant to such recognizance, then the Recorder before whom he ought to have appeared shall certify (under his hand) on the back of the recognizance, to the Clerk of the Peace of the District in Lower Canada, or County or Union of Counties in Upper Canada, the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance. 20 V., c. 27, s. 6.

Convictions  
and other pro-  
ceedings under  
this Act to be  
returned to  
Q. S.

22. The Recorder adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of Quarter Sessions for the District in Lower Canada, or the County or union of Counties in Upper Canada, there to be kept by the proper officer among the records of the Court. 20 V., c. 27, s. 7.

Copy of such  
conviction to  
be evidence.

23. A copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceeding whatever. 20 V., c. 27, s. 7.

Restitution of  
the property  
stolen may be  
ordered.

24. The Recorder, by whom any person has been convicted under this Act, may order restitution of the property stolen, taken or obtained by false pretences, in those cases in which the Court, before whom the person convicted would have been tried but for this Act, might by law order restitution. 20 V., c. 27, s. 8.

Recorder's  
Court to be an  
open public  
Court.

25. Every Recorder's Court, for the purposes of this Act, shall be an open public Court; and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed by the Clerk of the said Court upon the outside of some conspicuous part of the building or place where the same is held. 20 V., c. 27, s. 9.

26. The provisions of the Act respecting the duties of Justices of the Peace out of session, in relation to summary convictions and orders, and the provisions of the Act respecting the duties of Justices of the Peace out of sessions in relation to persons charged with indictable offences, shall not be construed as applying to any proceeding under this Act. 20 V., c. 27, s. 10.

The Acts respecting duties of J. Ps. not to apply to proceedings under this Act.

27. Every conviction by a Recorder under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture. 20 V., c. 27, s. 11.

Effect of conviction under this Act.

28. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause. 20 V., c. 27, s. 12.

A certificate of dismissal or a conviction, a bar to further proceedings.

29. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same. 20 V., c. 27, s. 13.

Convictions, &c., not to be quashed for want of form.

30. The Inspector and Superintendent of Police for the City of Quebec, the Inspector and Superintendent of Police for the City of Montreal, and the Police Magistrate for any city in Upper Canada, sitting in open Court, may respectively, in the case of persons charged before them, do all acts by this Act authorized to be done by Recorders; and all the provisions of this Act referring to Recorders and Recorders' Courts and the Clerks of the Recorders' Courts, shall be read and construed also as referring to such Inspectors and Superintendents of the Police and Police Magistrates and the Courts and the Clerks of the Courts held by them respectively, and as giving them full power to do all acts authorized to be done by Recorders in the case of persons charged before them respectively. 20 V., c. 27, s. 14.

Jurisdiction of Recorders extended to Inspectors of Police and Police Magistrates.

31. All the jurisdiction and powers vested in the Recorder of any city are hereby conferred upon and vested in any two or more Justices of the Peace for any district in Lower

Powers of Recorder vested in two J. Ps.—or in Sheriffs, &c., in L. C.

Canada when present at the *chef-lieu* thereof, and there sitting in open Court, and upon and in the Sheriff of any district in Lower Canada, (other than the Districts of Quebec and Montreal,) and upon and in any Deputy Sheriff in the District of Gaspé, sitting in open Court; But the jurisdiction and powers aforesaid shall not be exercised by any two or more Justices of the Peace or Sheriff in any new district until such district has been established as such for all purposes of the administration of justice in criminal as well as civil matters, under a proclamation of the Governor to that effect. 22 V., c. 27, ss. 6, 10.

Sheriffs exercising jurisdiction as aforesaid to be attended by certain officers.

32. The Sheriffs of such districts as aforesaid in Lower Canada, or any Deputy Sheriff in the District of Gaspé, when sitting or acting under the provisions of this Act, shall be assisted, attended and obeyed by the Clerk of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively, would be attended, assisted and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace for each such district shall be and act as the Clerk of the Court of the Sheriff of such district under the provisions of this Act and of the Act hereby amended. 22 V., c. 27, s. 7.

Recorders of Quebec and Montreal declared to be J. Ps.

33. The Recorders of the Cities of Quebec and Montreal respectively, have been and are, by virtue of their offices, Justices of the Peace for the judicial districts in which the said cities are respectively situate, and vested with all the powers and authorities, within the limits of their respective jurisdictions, of any one or two Justices of the Peace, as the case may require. 22 V., c. 27, s. 9.

This Act not to extend to Act respecting juvenile offenders.

34. Nothing in this Act shall affect the provisions of the Act, *Respecting the Trial and Punishment of Juvenile offenders*; and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder. 20 V., c. 27, s. 15.

Payment and application of fines.

35. Every fine imposed under the authority of this Act shall be paid to the Recorder, Superintendent of Police, Sheriff, Deputy Sheriff or Justice of the Peace, who has

imposed the same, or to the Clerk of the Recorder's Court or Clerk of the Peace, as the case may be, and shall be by him or them paid over to the County Treasurer for county purposes if it has been imposed in Upper Canada,—and if it has been imposed in any new district in Lower Canada constituted by any Act of the session held in 1857, or passed in any subsequent session, then to the Sheriff of such district as treasurer of the Building and Jury Fund for such district, to form part of the said fund,—and if it has been imposed in any other district in Lower Canada, then to the Prothonotary of such district to be by him applied under the direction of the Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such district, so long as such fees shall be collected to defray the cost of such erection. 22 V., c. 27, s. 8.

36. In the interpretation of this Act “property” shall be construed to include every thing included under the words “chattel, money, or valuable security,” as used in the Act respecting offences against Person and Property; and in case of any “valuable security,” the value of the share, interest or deposit to which the security may relate, or of the money due thereon, or secured thereby, and remaining unsatisfied, or of the goods or other valuable thing mentioned in the warrant or order, shall be deemed to be the value of such security. 20 V., c. 27, s. 16.

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Interpretation  
of words.

FORM (A). *See s. 5.*

## CONVICTION.

To wit : ' }

Be it remembered that on the                      day of                      ,  
 in the year of our Lord                      , at                      , A. B.,  
 being charged before me the undersigned                      , of the said  
 city, and consenting to my deciding upon the charge summarily, is convicted before me, for that he the said A. B., &c.,  
*(stating the offence, and the time and place when and where committed)* ; and I adjudge the said A. B., for his said  
 offence, to be imprisoned in the                      (and there  
 kept to hard labour) for the space of

Given under my hand and seal, the day and year first  
 above mentioned, at                      aforesaid.

J. S.      [L. S.]

FORM (B). *See s. 5.*

## CERTIFICATE OF DISMISSAL.

To wit : ' }

I, the undersigned,                      , of the City  
 of                      , certify that on the                      day of  
                     in the year of our Lord                      , at  
 aforesaid, A. B., being charged before me and consenting  
 to my deciding upon the charge summarily, for that he the



said A. B., &c., (*stating the offence charged, and the time and place when and where alleged to have been committed,*) I did, having summarily adjudicated thereon, dismiss the said charge.

Given under my hand and seal, this  
day of \_\_\_\_\_, at \_\_\_\_\_ aforesaid.

J. S. [L. S.]

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FORM (C). See s. 10.

CONVICTION UPON A PLEA OF GUILTY.

To wit: }

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, A. B., being charged before me the undersigned \_\_\_\_\_, of the said city, for that he the said A. B., &c., (*stating the offence, and the time and place when and where committed,*) and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him the said A. B., for his said offence, to be imprisoned in the \_\_\_\_\_ (and there kept to hard labour) for the space of \_\_\_\_\_.

Given under my hand and seal, the day and year first above mentioned, at \_\_\_\_\_ aforesaid.

J. S. [L. S.]

## CONSOLIDATED STATUTES—CANADA.

(CHAPTER 106.)

An Act respecting the Trial and Punishment  
of Juvenile Offenders.

HER Majesty, by and with the advice and consent of the  
Legislative Council and Assembly of Canada, enacts as  
follows :

Persons of not  
more than 16  
years of age,  
committing cer-  
tain offences,  
may be summa-  
rily convicted  
by two Justices.

1. Every person charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as hereinafter mentioned, exceed the age of sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before two or more Justices of the Peace for any district in Lower Canada, or city, county, or union of counties in Upper Canada, be committed to the Common Gaol or House of Correction within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding twenty dollars, as the said Justices may adjudge. 20 V., c. 29, s. 1.

If offence not  
proved, case to  
be dismissed.

2. If such Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged on finding surety for his future good behaviour, or without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal. 25 V., c. 29, s. 1.

Form of certifi-  
cate.

3. Such certificate shall be in the form or to the effect set forth in the form following :

, } We, , of Her Majesty's Justices  
 To wit : } of the Peace for the , of ,  
 (or if a Recorder, &c., under section seven, I, a ,  
 of the of , *as the case may be*) do hereby  
 certify, that on the day of , in the year  
 of our Lord , at , in the said of  
 , M. N. was brought before us the said Justices  
 (or me the said ) charged with the following offence,  
 that is to say : (*here state briefly the particulars of the charge*),  
 and that we the said Justices (or I, the said , )  
 thereupon dismissed the said charge.

Given under our hands (or my hand) this day of .  
 20 V., c. 29, s. 1.

4. If such Justices be of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed. 20 V., c. 29, s. 1.

Case may be tried, &c., if Justices think fit.

5. The Justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to shew why he should not be convicted, shall say to the person so charged, these words, or words to the like effect :

Justices to give person charged the option of a trial by Jury

“ We shall have to hear what you wish to say in answer  
 “ to the charge against you; but if you wish to be tried by a  
 “ Jury, you must object now to our deciding upon it at once.”  
 And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed. 20 V., c. 29, s. 2.

6. Any two or more Justices of the Peace, for any district in Lower Canada, or for any city, county or union of counties in Upper Canada, sitting in open Court, before whom any such person, as aforesaid, charged with any offence made

Power to J. Ps. to hear and determine.

punishable under this Act, is brought or appears, may hear and determine the case under the provisions of this Act. 20 V., c. 29, s. 3.

Same power to Recorder, &c., and certain other functionaries.

7. The Recorder, Inspector and Superintendent of Police, of either of the Cities of Quebec or Montreal, the Sheriff of any district in Lower Canada, other than the Districts of Quebec and Montreal, any Deputy Sheriff in the District of Gaspé, any Judge of a County Court in Upper Canada, being a Justice of the Peace, any Recorder of a city in Upper Canada being a Justice of the Peace, any Police Magistrate in Upper Canada, and any Stipendiary Magistrate in Upper Canada, sitting in open Court, and having by law the power to do acts usually required to be done by two or more Justices of the Peace, may and shall, within their respective jurisdictions, hear and determine every charge under this Act, and exercise all the powers herein contained, in like manner and as fully and effectually as two or more Justices of the Peace can or may do by virtue of this Act. 20 V., c. 29, s. 3.

Sheriffs, when sitting under this Act, to be attended by Clerks of the Peace.

8. The Sheriffs of such districts as aforesaid respectively, and any Deputy Sheriff in the District of Gaspé, when sitting or acting under the provisions of this Act, shall be assisted, attended and obeyed by the Clerks of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively would be assisted, attended and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace of each such district shall be and act as the Clerk of the Court of the Sheriff of such district, under the provisions of this Act. 20 V., c. 29, s. 4.

Certificate of dismissal, or a conviction, a bar to further proceedings.

9. Every person obtaining such certificate of dismissal as aforesaid, and every person convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause. 20 V., c. 29, s. 5.

Mode of compelling appearance of person punishable on summary conviction.

10. In case any person whose age is alleged not to exceed sixteen years be charged with any such offence, on the oath of a credible witness before any Justice of the Peace, such

Justice may issue his summons or warrant to summon or to apprehend the person so charged to appear before any two Justices of the Peace, at a time and a place to be named in such summons or warrant. 20 V., c. 29, s. 6.

11. Any Justice or Justices of the Peace, if he or they think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid. 20 V., c. 29, s. 7.

Power to one Justice to remand or take bail.

12. Every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace as aforesaid, or for trial at some Superior Criminal Court, as the case may be. 20 V., c. 29, s. 7.

Condition of recognizance.

13. Every such recognizance may be enlarged from time to time by any such Justice or Justices or Court to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward when the party has appeared according to the condition thereof. 20 V., c. 29, s. 7.

Recognizance may be enlarged.

14. Every fine imposed under the authority of this Act, shall be paid to the Justices who impose the same, or to the Clerk of the Recorder's Court, or the Clerk of the County Court, or the Clerk of the Peace, *as the case may be*, and shall be by him or them paid over to the County Treasurer for county purposes, if the same was imposed in Upper Canada, and if it was imposed in any new district in Lower Canada, then to the Sheriff of such district as Treasurer of the Building and Jury Fund for such district, to form part of the said fund, and if it was imposed in any other district in Lower Canada, then to the Prothonotary of such district, to be by him applied, under the direction of the Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys or fees collected by him, for the erection of a Court House or Gaol in such district, so long as such fees are collected to defray the cost of such erection. 20 V., c. 29, s. 8.

Application of fines.

Any Justice of the Peace may summon witnesses;

15. Any Justice of the Peace shall, by summons, require the attendance of any person as a witness upon the hearing of any case before two Justices under the authority of this Act, at a time and place to be named in such summons. 20 V., c. 29, s. 9.

And bind by recognizance.

16. Any such Justice may require and bind by recognizance all persons whom he considers necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge. 20 V., c. 29, s. 9.

In case of refusal, Justice may compel attendance of witness.

17. In case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first given of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, either of the Justices before whom any such person ought to have attended, may issue a warrant to compel his appearance as a witness. 20 V., c. 29, s. 9.

How summons may be served.

18. Every summons issued under the authority of this Act, may be served by delivering a copy thereof to the party, or to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. 20 V., c. 29, s. 10.

Form of conviction.

19. The Justices before whom any person is summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the following form or in any other form of words to the same effect, that is to say :

, } Be it remembered that on the  
To wit : } day of , in the year of our  
Lord one thousand eight hundred and , at  
 , in the District of ,  
(county or united counties, &c., as the case may be) A.  
O. is convicted before us, J. P. and J. R., two of Her

Majesty's Justices of the Peace for the said district (or city, &c.,) or me, S. J., Recorder, of the \_\_\_\_\_, of the \_\_\_\_\_, *or as the case may be* for that he the said A. O. did (*specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence*), and we, the said J. P. and J. R. (or I the said S. J.), adjudge the said A. O. for his said offence to be imprisoned in the \_\_\_\_\_ (*or to be imprisoned in the \_\_\_\_\_*), and there kept at hard labour for the space of \_\_\_\_\_, (*or we (or I) adjudge the said A. O. for his said offence to forfeit and pay \_\_\_\_\_, (here state the penalty actually imposed,)* and in default of immediate payment of the said sum, to be imprisoned in the \_\_\_\_\_ (*or to be imprisoned in the \_\_\_\_\_, and there kept to hard labour*) for the space of \_\_\_\_\_, unless the said sum shall be sooner paid.

Given under our hands and seals (*or my hand and seal*) the day and year first above mentioned.

And the conviction shall be good and effectual to all intents and purposes. 20 V., c. 29, s. 11.

20. No such conviction shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. 20 V., c. 29, s. 12.

Convictions not void for defect, &c.

Nor commitments.

21. The Justices of the Peace before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the Clerk of the Peace for the District in Lower Canada, or for the city, county or union of counties in Upper Canada, wherein the offence was committed, there to be kept by the proper officer among the records of the Court of General Quarter Sessions of the Peace. 20 V., c. 29, s. 13.

Convictions by J. Ps. to be sent to Clerks of the Peace.

Who shall make  
Quarterly re-  
turn, &c., to  
the Provincial  
Secretary.

22. Each such Clerk of the Peace shall transmit to the Provincial Secretary a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required. 20 V., c. 29, s. 13.

No forfeiture  
on conviction.

23. No conviction under the authority of this Act shall be attended with any forfeiture; but whenever any person is deemed guilty under the provisions of this Act, the presiding Justices may order restitution of the property in respect of which such offence was committed, to the owner thereof or his representatives. 20 V., c. 29, s. 14.

But restitution  
may be made.

If such prop-  
erty is not  
forthcoming,  
&c.

24. If such property be not then forthcoming, the same Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments at such periods as the Court deems reasonable. 20 V., c. 29, s. 14.

The party so  
ordered to pay  
may be sued,  
&c.

25. The party so ordered to pay, may be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court. 20 V., c. 29, s. 14.

Recovery of  
penalties.

26. Whenever any Justices of the Peace adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, such Justices, if they deem it expedient, may appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so to be appointed, unless such offender gives security to the satisfaction of such Justices for his appearance on such day, and such Justices may take such security by way of recognizance or otherwise at their discretion. 20 V., c. 29, s. 15.

Committal for  
non-payment.

27. If at the time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by warrant under their hands and seals, commit the offender to the Common Gaol or House of Correction within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such



imprisonment to cease on payment of the said penalty. 20 V., c. 29, s. 15.

28. The Justices of the Peace before whom any person is prosecuted or tried for any offence cognizable under this Act, may, at their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and witnesses for the prosecution of such sums of money as to them seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also compensate them for their trouble and loss of time therein, and to order payment to the Constable and other Peace Officers for the apprehension and detention of any person so charged. 20 V., c. 29, s. 16.

Expenses of prosecution, how to be paid.

29. And although no conviction takes place, the said Justices may order all or any of the payments aforesaid, when they are of opinion that the parties or any of them have acted *bonâ fide*. 20 V., c. 29, s. 16.

If there be no conviction."

30. The amount of expenses of attending before the examining Justices and the compensation for trouble and loss of time therein, and the allowances to the Constables and other Peace Officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and Constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such Justices; but the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars. 20 V., c. 29, s. 16.

Amount of expenses, how ascertained and certified.

31. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper Justices of the Peace as aforesaid, shall be forthwith made out and delivered by the said Justices or one of them, or by the Clerk of the Recorder's Court, Clerk of the County Court or Clerk of the Peace, as the case may be, unto such prosecutor or other person, upon such Clerk being paid for

Orders for payment, how to be made, and upon whom.

the same, the sum of twenty cents and no more, and shall be made upon the Officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who, upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, the money in such order mentioned, and shall be allowed the same in his accounts. 20 V., c. 29, s. 17.

Protection of  
persons acting  
under this Act.

32. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District or Circuit in Lower Canada, or in the county or union of counties in Upper Canada where the fact was committed, and shall be commenced within three months after the fact committed, and not otherwise. 20 V., c. 29, s. 18.

Notice in writ-  
ing to be given  
to defendant.

33. And notice in writing of such action or prosecution and of the cause thereof, shall be given to the defendant, one month at least, before the commencement of the action or prosecution. 20 V., c. 29, s. 18.

Defendant may  
plead the gene-  
ral issue.

34. In any such action or prosecution, the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. 20 V., c. 29, s. 18.

If tender of  
amends made,  
plaintiff not  
to recover, &c.

35. No plaintiff shall recover in any such action, if tender of sufficient amends was made before such action brought, or if a sufficient sum of money has been paid into Court after such action brought by or on behalf of the defendant. 20 V., c. 29, s. 18.

If the defend-  
ant be suc-  
cessful.

36. If a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues any such action or prosecution after issue joined, or if, upon demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs and have the like remedy for the same as any defendant hath by law in other cases. 20 V., c. 29, s. 18.

## CONSOLIDATED STATUTES—LOWER CANADA.

(CHAPTER 102.)

## An Act respecting the Police in Quebec and Montreal, and certain regulations of Police in other Towns and Villages.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Governor may, in the Cities of Quebec and Montreal, by a commission under the great seal, appoint fit and proper persons to be Inspectors and Superintendents of the Police of the Cities of Quebec and Montreal, to execute the duties of Justices of the Peace at the Police Offices established therein and in all parts of the said cities, and such other duties as are hereinafter specified, or as may be from time to time directed by the Provincial Secretary, for the more efficient administration of the Police within the limits of the said cities :

Appointment of Superintendents of Police.

2. The Governor may remove the said Inspectors and Superintendents of Police, if he sees occasion so to do, and may, upon any vacancy in the said offices, by death, removal or otherwise, appoint other fit persons as such Inspectors and Superintendents, to execute the duties aforesaid in lieu of the persons making such vacancy ; and the Governor may appoint any person to be Inspector and Superintendent of the Police, for either of the said cities, by virtue of this Act ; and any person so appointed may, during the continuance of his appointment, execute the duties of Justice of the Peace for the said cities, although he may not have the qualification required by law in case of any other person being a Justice of the Peace. 2 V. (1), c. 2, s. 1,—20 V., c. 44, s. 138, and see *Consol. Stat. of Can.*, c. 105, ss. 30, 31.

Governor may remove them and appoint others.

To be *ex officio* Justices of the Peace.

Oath to be taken  
on appoint-  
ment.

2. Every person appointed Inspector and Superintendent of the Police of the said cities, shall, before he begins to execute the duties of his office, take the following oath before a Judge of Her Majesty's Court of Queen's Bench or of the Superior Court, that is to say :

"I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Justice of the Peace, under and by virtue of chapter one hundred and two of the Consolidated Statutes for Lower Canada." 2 V. (1), c. 2, s. 2.

Their powers  
and authority.

3. The Inspectors and Superintendents of the Police of the cities of Quebec and Montreal respectively, shall be, in virtue of their offices, Justices of the Peace for the criminal districts in which the above cities are respectively situate, and vested with all the powers and authorities within the limits of their respective jurisdictions, of any one or two Justices of the Peace as the case may require ; and all judgments, convictions and decisions rendered by them respectively shall have the same force and effect as if rendered by one or two Justices of the Peace whose names are included in the commission of the peace for the districts within which such Inspectors and Superintendents of Police are respectively appointed to act. 20 V., c. 122.

To have the  
powers of two  
Justices of the  
Peace.

Police Force  
may be em-  
bodied.

4. A sufficient number of fit and able bodied men shall, from time to time, by the direction of the Provincial Secretary, be appointed as a Police Force for each of the said cities respectively, who shall be sworn by the said Inspectors and Superintendents of the Police respectively, to act as Constables for preserving the peace and preventing robberies and other felonies, and apprehending offenders against the peace :

Duties of the  
men composing  
it.

2. And the men so sworn shall, within the said cities, have all such powers, authorities, privileges and advantages, and be liable to all such duties and responsibilities as any Constable duly appointed has, by virtue of the laws of Lower Canada, or any statutes made or to be made, and shall obey all such lawful commands as they, from time to time, receive from the

Inspector and Superintendent of the Police for the city for which they are appointed, for conducting themselves in the execution of their office. 2 V. (1), c. 2, s. 3.

5. Each of the said Inspectors and Superintendents of Police may, from time to time, subject to the approbation of the Provincial Secretary, make such orders and regulations as they deem expedient, relative to the general government of the men appointed members of the Police Force under this Act for his city, the places of their residence, the classification, rank and particular service of the several members, their distribution and inspection, the description of arms, accoutrements and other necessities to be furnished to them, and all such other orders and regulations relative to the said Police Force, as such Inspector and Superintendent of the Police from time to time deems expedient, for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties :

2. Each of the said Inspectors and Superintendents of the Police may, at any time, suspend or dismiss from his employment any man belonging to the said Police Force for his city, whom he thinks remiss or negligent in the discharge of his duty, or otherwise unfit for the same ; and when any man is dismissed or ceases to belong to the said Police Force, all powers vested in him as a Constable by virtue of this Act, shall immediately cease and determine. 2 V. (1), c. 2, s. 4.

6. If any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, knowingly harbours or entertains any man belonging to the said Police Force, or permits such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty, such victualler or keeper, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding five pounds, sterling money of Great Britain, as they think meet. 2 V. (1), c. 2, s. 5.

7. Any man, belonging to the said Police Force, may, during the time of his being on duty, apprehend all loose, idle and disorderly persons, whom he finds disturbing the

Superintendents may make orders and regulations for its government.

And may suspend or dismiss men composing it.

Penalty on victuallers, &c., harbouring Policemen on duty.

Policemen on duty may apprehend loose and disorderly persons.

public peace, or whom he has just cause to suspect of any evil designs, and all persons whom he finds lying in any field, highway, yard or other place, or loitering therein, and not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the Constable in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law. *Ibid.*, s. 6.

Penalty on persons resisting Police.

8. If any person assaults or resists any person belonging to the said Police Force, in the execution of his duty, or aids or incites any person so to assault or resist, such offender, being convicted thereof before two Justices of the Peace, shall for each such offence, forfeit and pay such sum, not exceeding five pounds, sterling money aforesaid, as the said Justices think meet. *Ibid.*, s. 7.

#### OF THE POWERS OF JUSTICES OF THE PEACE WITH RESPECT TO DISORDERLY PERSONS, GAMBLERS, ETC.

Application of next sections.

9. The ten sections next following apply not only to the Cities of Quebec and Montreal, but also to every town and village Municipality in Lower Canada, erected or existing under the provisions of chapter twenty-four of these Consolidated Statutes, subject to the provisions of section twenty-nine of that Act. 23 V., c. 61, s. 29.

Proceedings as regards disorderly persons.

10. Any Justice of the Peace may condemn all loose, idle and disorderly persons convicted before him on his own view or by their own confession, or on the oath of one or more credible witnesses, to pay immediately or within such period of time as he thinks fit, a fine not exceeding five pounds sterling, and in default of payment immediately or at the time appointed, (as the case may be,) such persons shall be imprisoned in the Common Gaol or House of Correction of the district or in any lock-up house or other place provided by the Municipality for the purpose, at hard labour, for any time not exceeding two months, the imprisonment to cease upon payment of the sum due :

2. But it shall be in the discretion of the Justice before whom any person, apprehended as a loose, idle and disorderly person is brought, either to commit such person or to discharge him, although an act of vagrancy be proved to have been committed by him ;—and it shall also be in the discretion of such Justice on discharging any such person, to bind him in sufficient recognizance to appear before the Justices at the next General or Quarter Sessions of the Peace, or Court of Queen's Bench, if no Court of Quarter Sessions be held in the district, to answer any charge or charges that may be alleged against him. 2 V. (1), c. 2, s. 8,—7 V, c. 2, s. 1, —9 V., c. 23,—20 V., c. 41, s. 7,—23 V., c. 61, s. 29.

Discretion of  
the Justice of  
the Peace.

11. Persons who, being able to work, and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so,—

Persons refus-  
ing to work;

Persons openly exposing or exhibiting in any street, road, public place, or highway, any indecent exhibition, or openly and indecently exposing their persons,—

Exposing their  
persons, &c.;

Persons loitering in the streets or highways and obstructing passengers, by standing across the footpaths, or by using insulting language, or in any other way,—tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, yards or gardens, destroying fences, causing a disturbance or noise in the streets or highways by screaming, swearing, or singing,—being drunk, and impeding or incommoding the peaceable passengers,—

Obstructing  
passengers,  
&c.;

All common prostitutes or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves,—

Prostitutes,  
&c.;

Persons in the habit of frequenting houses of ill-fame, not giving a satisfactory account of themselves,—

Frequenters of  
houses of ill-  
fame;

Persons tippling in taverns or tap-rooms, after the hour of ten at night and before the hour of five in the morning, between the twenty-first day of March and the first of October, and after the hour of nine at night and before the hour of six in the morning, from the first day of October to the twenty-first day of March,—

And taverns;

- Gamblers—** Persons winning money or other valuable thing in playing at cards, dice or other chance game, in taverns,—
- Shall be deemed disorderly persons.** Shall be deemed loose, idle and disorderly persons, within the meaning of this Act. 2. V. (1), c. 2, s. 9. .
- Justice may issue search warrants.** 12. Any Justice of the Peace, upon information upon oath before him made, that any persons hereinbefore described are loose, idle and disorderly persons, and are, or are reasonably suspected, to be harboured or concealed in any house of ill-fame, tavern or boarding house, may, by warrant under his hand or seal, authorize any Constable or other person to enter at any time such house, or tavern, and to apprehend and bring before him or any other Justice or Justices, all persons found therein and so suspected as aforesaid :
- How such persons shall be punished.** 2. And if, on examining such persons so apprehended and brought as aforesaid, it appears to such Justice or Justices that they or any of them cannot give a satisfactory account of themselves, such Justice or Justices may condemn them to pay, either immediately or within such period as he or they think fit, a fine not exceeding five pounds sterling ; and in default of payment at the time appointed, they shall be imprisoned in the Common Gaol or House of Correction, or in the lock-up house, or other place provided by the Municipality for the purpose, at hard labour for any time not exceeding two months, in the City of Quebec or of Montreal, or thirty days in any other town or village Municipality, the imprisonment to cease upon payment of the sum due. 2 V. (1), c. 2, s. 10,—7 V., c. 21, s. 1, and 9 V., c. 23,—23 V., c. 61, s. 29.
- Charges against them to be in writing.** 13. In all proceedings against loose, idle, and disorderly persons, the charge shall be reduced to writing, and shall be stated by the Justice or Justices of the Peace to the party accused, who shall be held to plead forthwith to the same ; and the said charge shall be summarily tried, due time being given to the party accused to procure the attendance of the necessary witnesses to establish his defence, if he so requires. 7 V., c. 21, s. 3.
- Commitments to specify the facts of the case.** 14. Every commitment to Gaol or to the House of Correction or lock-up house, shall specify the particular fact or facts, as



to time, place and circumstance, which constitute the offender a loose, idle and disorderly person; and any commitment which does not specify such facts, shall be held to be insufficient, and the party imprisoned under colour thereof shall be entitled to be discharged from imprisonment, upon application to that effect to any Judge of the Court of Queen's Bench or of the Superior Court, or any other person authorized by law to act in the absence of such Judge. 7 V., c. 21, s. 5.

15. Any Justice of the Peace may commit any person convicted before him, by his own view or by the oath of one or more credible witness or witnesses, or by his confession, of over-loading, over-driving or otherwise ill treating any horse, dog or other animal, to the Common Gaol, for any time not exceeding one month; and all Constables shall and may apprehend any such person, and bring him before a Justice of the Peace, to be dealt with according to the provisions of this Act. 2 V. (1), c. 2, s. 11.

How cruelty to animals shall be punished.

16. Whenever any person is charged on the oath of a credible witness, before any Justice of the Peace, with any offence punishable by a penalty, on summary conviction under this Act, the Justice may summon the person charged to appear before any two Justices of the Peace at a time and place to be named in such summons; and if the person charged does not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to such person or by delivering a copy to his wife or servant or some inmate of the family of such person, at his usual place of abode,) the Justices, before whom he ought to have appeared, may either proceed to hear and determine the case *ex parte*, or may issue their warrant for apprehending such person, and bringing him before them:

Proceedings to enforce the appearance of a person charged under this Act.

2. The prosecution for any offence punishable by a penalty upon summary conviction by virtue of this Act, shall be commenced within three months after the commission of the offence and not otherwise. 2 V. (1), c. 2, s. 12.

Limitation of prosecutions.

17. The Justices of the Peace by whom any person is convicted and adjudged to pay any sum of money, for any offence against this Act, may adjudge that such person shall pay the

Certain time may be allowed for the payment of the fine.

same either immediately or within such period as they think fit; and in default of payment at the time appointed, the said person shall be imprisoned in the Common Gaol or House of Correction, for any term not exceeding two months, in the City of Quebec or Montreal, or thirty days in any other town or village Municipality, which said imprisonment shall cease upon payment of the sum due. 2 V. (1), c. 2, s. 14.

Application of  
fines imposed  
under this Act.

18. All fines and penalties imposed for offences against this Act shall make part of the Building and Jury Fund of the district in which they are imposed, and shall be paid over by the Justices or persons receiving them to the Sheriff of such district accordingly. 20 V., c. 44, s. 113,—23 V., c. 57, s. 2.

Appeals from  
convictions  
under this Act.

19. Any person, convicted under this Act, may appeal from such conviction to the next ensuing General Quarter Sessions of the Peace, upon giving good and sufficient security to pay the penalty awarded against him and all costs of such appeal; and the said Sessions of the Peace shall hear such appeal and dispose of the same and award costs in manner and form as practised upon other appeals. 7 V., c. 21, s. 4.

#### POWERS OF RECORDERS OF QUEBEC AND MONTREAL.

Powers of In-  
spectors of Po-  
lice may be  
exercised by  
Recorders.

20. All the powers and jurisdiction conferred upon the Inspectors and Superintendents of Police for the Cities of Quebec and Montreal, or upon two or more Justices of the Peace, by the foregoing provisions of this Act, shall be vested in and may be exercised by the Recorders and by the Recorders' Courts of and for the said cities, and by those who by law may or are to act in the absence on account of sickness or otherwise of the said Recorders, or when there is no Recorder, and discharge the duties of that office. 19, 20 V., c. 106, ss. 1, 4, 8,—14, 15 V., c. 128, ss. 79, 82,—18 V., c. 162, s. 15.

#### EXPENSES OF THE POLICE IN QUEBEC AND MONTREAL.

Expenses of  
Police to be

21. The Governor may pay, out of any moneys in the hands of the Receiver General, not otherwise appropriated, such

sums as are required for the maintenance of the Police under this Act; and all salaries, allowances and contingent charges in that behalf shall be paid upon pay lists to be made out on the first day of each month by the Inspector and Superintendent of Police, signed by him and approved by the Provincial Secretary. 2 V. (1), c. 2, s. 17.

paid by the Governor.

22. Out of any moneys received for tolls, rates and wharfage dues by the Commissioners for the Improvement and Enlargement of the Harbour of Montreal, and remaining in their hands in any year after defraying all the special charges payable out of the same during such year, the Governor may direct the Commissioners to pay over to such Officer or person as he may designate, such sum as may be required to defray the expenses attending the employment of the additional members of the Police Force established under this Act, whom it has been found necessary to employ during such year to act more especially as Constables in the harbour and port aforesaid; the number of such additional members of the said Police Force to be so employed, and the remuneration to be allowed for their services, having been, previously to their employment, determined by the Governor in Council:

Additional Police for Harbour in Montreal to be paid by Harbour Commissioners.

a. And the Officer or person to whom such sums are paid by the said Commissioners shall apply the same to the payment of the expenses aforesaid, under such instructions as he may receive from the Governor in that behalf, and shall account for the same in such manner and form as the Governor shall direct. 14, 15 V., c. 24.

Account of such expenses.

23. All moneys raised, levied and received under the authority of the Acts 14, 15 V., c. 25, and 20 V., c. 124 (*to provide for defraying the expense of the River Police at Quebec*) shall be applied by such Officers or persons, and under such rules and regulations as the Governor shall from time to time appoint for that purpose, in defraying the expense of maintaining and paying the members of the Police Force acting as Constables in the Port of Quebec, under this Act. 2 V. (1), c. 2,—14, 15 V., c. 25, s. 8, and 20 V., c. 124.

Payment of Quebec Harbour Police provided for.

## INTERPRETATION.

What the word  
*city* shall in-  
clude.

24. For the purposes of this Act the word "*city*" or "*cities*," as applied to the Cities of Quebec and Montreal, wherever used in this Act, shall be held to denote the said cities, together with such neighbouring districts as the Governor has directed or may at any time direct by proclamation. 2 V. (1), c. 2, s. 19.

## OF LABOURERS, SERVANTS, AND APPRENTICES FOUND GAMBLING, ETC.

Servants or ap-  
prentices gam-  
bling in taverns  
how punished.

25. If any journeyman, day labourer, servant or apprentice, plays at any game of cards, dice, skittles or any other game, for money, liquor or otherwise, in any house, out-house, apartment or ground in the occupation of or belonging to any person licensed to sell spirituous liquors by retail, or to keep a house of public entertainment in Lower Canada, and such journeyman, servant or apprentice be convicted thereof before a Justice of the Peace in the villages or country parishes, or before the Justices of the Peace in their weekly sittings in the Cities of Quebec or Montreal, by the oath of one credible witness, or by confession, he shall forfeit and pay for every such offence, a sum not exceeding four dollars, and not less than one dollar ; and in default of payment of such fine or penalty within six days, such journeyman, labourer, servant or apprentice shall be committed to the House of Correction for a space of time not exceeding eight days, in discharge of such penalty as aforesaid :

Cap. 8 of these  
Con. Stat. not  
affected.

2. Nothing in this section shall affect any provision of the eighth chapter of these Consolidated Statutes relating to billiard tables. 57 G. 3, c. 16, s. 10.

Discretion of  
Justice as re-  
gards costs.

26. The Justice of the Peace, before whom any such case is heard and determined, may award the cost which either of the parties shall have to pay the other, as they judge fit ; and in case any person against whom any such costs are so awarded, does not pay the same within seven days next after they

have been so awarded, any such Justice or Justices of the Peace, whether in or out of session, may issue a warrant of distress for levying the same, by the seizure and sale of the offender's goods and chattels. *Ibid.*, s. 14.

27. One moiety of every penalty imposed in virtue of the twenty-fifth section of this Act, shall belong to the informer, and the other moiety shall make part of the Building and Jury Fund of the district in which it is imposed, and shall accordingly be paid over by the Justice or person receiving it to the Sheriff of such district. 20 V., c. 44, s. 113, &c. Penalties, how disposed of.

28. Upon every judgment under the said twenty-fifth section, by any Justices of the Peace, an appeal shall lie to the Justices of the Court of Quarter Sessions of the Peace for the district where the judgment was rendered, upon which appeal the full merits of the original complaint may be heard and adjudged: Appeals from judgments under sect. 25

2. But the appellant, before the allowance of any appeal as aforesaid, shall give good and sufficient security to pay the amount of the judgment appealed from, and costs as well on the original complaint as on the appeal. 57 G. 3, c. 16, s. 12. Security for costs.

## CONSOLIDATED STATUTES—LOWER CANADA.

## (CHAPTER 15.)

## COMMON SCHOOLS.

SPECIAL PROVISIONS RELATING TO THE CITIES OF MONTREAL  
AND QUEBEC.

This Act to ap-  
ply to Montreal  
and Quebec.

(Sec. 128.) In each of the Cities of Quebec and Montreal the provisions of this Act, with regard to the establishment of Common Schools in each Municipality, shall have effect and be applied, except in so far as it is otherwise herein provided ; and all persons appointed or called upon to carry this Act into effect in the said cities, shall have the same powers as the corresponding functionaries in the Municipalities, by whatever name they may be designated, and shall be subject to the same obligations and penalties. 9 V., c. 27, s. 40.

Each city to  
form a distinct  
Municipality.

(129.) For all the purposes relative to the distribution and apportionment of School Moneys, and for all other purposes of this Act, where it is not repugnant to the other provisions thereof, each of the Cities of Quebec and Montreal shall be considered as one Municipality ; and it shall not be necessary to divide them into School Districts, but each School established by the Commissioners or put under their control by virtue of and in accordance with this Act, shall be considered as a School District, and may be attended by children from any part of the city. 9 V., c. 27, s. 41.

Appointment of  
School Commis-  
sioners.

(130.) In Quebec and Montreal the Corporation shall appoint twelve School Commissioners, six of whom shall be Roman Catholics and six Protestants ; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants ; and one-half of each of the said Corporations shall be renewed annually by the said Corporation ; In case the Corporation of the City of Quebec or that of Montreal refuses or neglects to appoint such Commissioners or to renew them at the time prescribed, that is to say, in the month of July in each year, the

In case of  
failure to  
appoint.

Superintendent of Education shall appoint them *ex-officio*, with the approval of the Governor in Council. 9 V., c. 27, s. 42.

(131.) In the Cities of Quebec and Montreal, no rate shall be imposed for the purposes of Common Schools, but the City Treasurer of each of the said cities shall, out of the moneys in his hands forming part of the funds of the Corporation of such city, from whatever source such moneys are derived, (all Laws or Rules or By-laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such city, and in proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such city out of the Common School Fund, to be employed for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively;—And if the Treasurer refuses to make such payment, the Board of Commissioners, or their Secretary, may recover the amount by action in the Superior Court, who shall order such Treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in, or that may thereafter come into his hands as such Treasurer; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment. 14, 15 V., c. 97, s. 9.

No special School rate to be levied, but the requisite amount to be paid by Corporation.

In case City Treasurer refuses to pay.

(132.) The Corporations of the Cities of Quebec and Montreal may pay out of their funds an additional sum equal to that which they are authorized to pay to the Boards of School Commissioners, and also an additional sum of thirty per cent. to make good any unforeseen or contingent expenditure. 19, 20 V., c. 14, s. 1.

An additional amount may be paid by Corporation.

(133.) The City of Montreal shall be entitled to receive out of the Common School Fund only one-fourth, and the City of Quebec two-thirds, of the sums they would without this provision be respectively entitled to according to their population. 9 V., c. 27, s. 44.

Proportion of School Fund allowed to Quebec and Montreal.

(134.) The School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners. 9 V., c. 27, s. 45.

Rules for Commissioners.



(24 VICTORIA, CAP. 24.)

## An Act to provide for the more general adoption of the practice of Vaccination.

(Assented to 18th May, 1861.)

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

No public money to be paid to any hospital, unless it has a Small-pox ward.

1. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital, unless, nor until, a certificate, signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with Small Pox, has been filed with the Clerk of the Executive Council.

Certain cities may employ medical practitioners to vaccinate the citizens, &c.

2. From and after the passing of this Act, it shall be lawful for the Council of each of the Cities of Quebec, Three-Rivers, St. Hyacinthe, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, and the Town of Sherbrooke, and they are hereby respectively empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract may expire, for the Vaccination, at the expense of the city, of all poor persons, and, at their own expense, of all other persons, resident in such city, who may come to such medical practitioner or practitioners for that purpose; Provided, always, that it shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting.

Proviso.



3. Within three months after the passing of this Act, the Council of each such city shall appoint a convenient place in each ward of such city for the performance, at least once in each month, of such Vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such Vaccination in the persons so vaccinated.

City to appoint a convenient place in each Ward for the purpose.

4. The father or mother of every child born in any of the said cities, after the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, shall, at some such appointed time, within three calendar months after the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some such appointed time, within four calendar months after the birth of such child, take or cause to be taken the said child to the medical practitioner in attendance at the appointed place in the ward in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child have been previously vaccinated by some legally qualified medical practitioner and the Vaccination duly certified; and the said medical practitioner so appointed shall, and he is hereby required, thereupon, or as soon after as it may conveniently and properly be done, vaccinate the said child.

Parents, &c., bound to take children to be vaccinated.

5. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that such

And exhibit them to the medical practitioner on eighth day.

medical practitioner may ascertain by inspection the result of such operation.

Certificate of  
successful Vac-  
cination to be  
given.

6. Upon and immediately after the successful Vaccination of any child born in any of the said cities, after the said first day of January, one thousand eight hundred and sixty-two, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, a certificate under his hand, according to the form A, in the Schedule to this Act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Clerk of the city in which the operation was performed; and such certificate shall, without further proof, be admissible as evidence of the successful Vaccination of such child in any information or complaint brought against the father or mother of such child, or against the person who shall have had the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act.

If the child be  
found unfit for  
Vaccination.

Certificate.

7. If any medical practitioner appointed as aforesaid shall be of opinion that any child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture or custody of such child as aforesaid, on demand and without fee or reward, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is in an unfit state for successful Vaccination; and such certificate, or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child as aforesaid, shall, (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until such child has been successfully vaccinated,

Re-representation  
of the child to  
be repeated un-  
til successful  
Vaccination.

take or cause to be taken to the said medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the said medical practitioner deem the said child to be then in a fit and proper state for such successful Vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful Vaccination of such child, deliver to the father or mother of such child, or person having the care, nurture or custody of such child, as aforesaid, a certificate under his hand according to the form A, in the Schedule to this Act, that such child has been successfully vaccinated; but if the said medical practitioner be of opinion that the said child is still in an unfit state for successful Vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of the said child, as aforesaid, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is still in an unfit state for successful Vaccination; and the said medical practitioner, so long as such child remains in an unfit state for Vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or to the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the said form B, in the Schedule to this Act; and the production of such certificate, or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

Certificate.

Effect of certificate.

8. In the event of any medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any such child as aforesaid, that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having, as aforesaid, the care, nurture or custody of such child, a certificate under his hand, according to the form C, in the Schedule to this Act; and the production of such certificate shall be a sufficient defence against any complaint which may be brought

If the child be found insusceptible of the vaccine disease.

|   |   |
|---|---|
|   | <p>against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.</p>   |
| Fees under this Act.  | <p>9. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act.</p>  |
| Penalty for non-compliance with the requirements of this Act. | <p>10. If any father or mother, or person so having as aforesaid the care, nurture or custody of any such child as aforesaid, shall not cause such child to be vaccinated within the periods prescribed by this Act, or shall not, on the eighth day after the Vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such father or mother, or person having the care, nurture or custody of such child as aforesaid, so offending, shall be liable to a penalty not exceeding five dollars, recoverable on summary conviction before the Inspector and Superintendent of Police, Police Magistrate, or Stipendiary Magistrate appointed for the city in which the offence was committed, or if there be no such officer, then before any two Justices of the Peace sitting and having jurisdiction in such city; and the provisions of the one hundred and third chapter of the Consolidated Statutes of Canada shall be applicable to the recovery of such penalties.</p> |
| Recovery.   |   |
| How far and when plea of conviction shall avail.              | <p>11. After the expiration of two months from the conviction of any person for any offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child; but the production of a certificate under the hand of a legally qualified medical practitioner, according to any of the forms in the Schedule to this Act, shall be a sufficient defence against any such complaint; provided always, that if the certificate produced be in the form B, the production thereof shall not be a sufficient defence, unless the Vaccination be thereby postponed to a day subsequent to that on which the complaint is brought.</p>   |

## SCHEDULE.

## FORM A.

I, the undersigned, hereby certify that \_\_\_\_\_, the  
child of \_\_\_\_\_, aged \_\_\_\_\_, of \_\_\_\_\_ Ward, in  
the City of \_\_\_\_\_, has been successfully vaccinated  
by me.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

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## FORM B.

I, the undersigned, hereby certify that I am of opinion that  
\_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward,  
in the City of \_\_\_\_\_, aged \_\_\_\_\_, is not now in a fit  
and proper state to be successfully vaccinated, and I do here-  
by postpone the Vaccination until the \_\_\_\_\_ day of \_\_\_\_\_.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

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## FORM C.

I, the undersigned, hereby certify that I am of opinion that  
\_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward,  
in the City of \_\_\_\_\_, is insusceptible of the vaccine disease.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

(14 AND 15 VICTORIA, CAP. 129.)

An Act to provide means to recover from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place.

(Assented to 30th August, 1851.)

Preamble.

Council of Montreal on warrant of the Sheriff to pay part of the expense of guarding the said Gaol.

WHEREAS by far the greater number of the prisoners detained in the Common Gaol for the District of Montreal, are persons charged with or convicted of crimes and criminal offences committed within the City of Montreal, and it is therefore just and proper that the Corporation of the said city should contribute towards defraying the expense of guarding the said Gaol: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for and the duty of the Sheriff of the District of Montreal, on the first juridical day in each of the months of March, June, September and December in each and every year, beginning with the month of December, next after the passing of this Act, to furnish to the Clerk of the City of Montreal, for the information of the Council of the said city, a statement in writing of the probable expense of guarding the Common Gaol for the District of Montreal during the three months then next ensuing, over and above any sum of money applicable for that purpose which he may have in hand at the time of

furnishing such statement; and the said Sheriff may, by his warrant or warrants from time to time, require the Council of the said city, out of the funds of the said city, to pay any sum or sums of money not exceeding two-thirds of the sum mentioned in the then last statement, and the Council of the said city shall thereupon cause the said sum or sums of money in the said warrant or warrants mentioned, to be paid to the said Sheriff by the Treasurer of the said city, within forty days from the delivery of such warrant or warrants to the Clerk of the said city: Provided always, that the sum and sums of money so to be required and received from the Council of the said city, for the purposes and in the manner aforesaid, shall not in any one year exceed the sum of six hundred pounds; and that the application and expenditure thereof shall be accounted for by the said Sheriff to the Council of the said city, on or before the last juridical day of each of the months of February, May, August and November, in each and every year.

2. And be it enacted, That the Treasurer of the said city, at the time and times of making payment to the said Sheriff of any sum or sums of money required to be paid to him by this Act, for the purposes and in the manner aforesaid, shall sign and deliver to the said Sheriff a note in writing, specifying the sum or sums of money so paid, which note shall be kept by the said Sheriff as a voucher for his receipt of such sum or sums; and the receipt of the said Sheriff, specifying the sum or sums paid to him by the said Treasurer as aforesaid, shall be a sufficient discharge and voucher for such Treasurer, and shall be allowed as such, in passing his accounts.

Receipts and  
vouchers for  
payments under  
this Act.

3. And be it enacted, That if after the lapse of forty days from the delivery of any such warrant or warrants to the Clerk of the said city as aforesaid, the sum or sums of money therein mentioned, or any or either of them, or any part thereof, shall remain unpaid to the said Sheriff, an action shall accrue to the said Sheriff, on behalf of Her Majesty, to demand and have, of and from the said Corporation, to wit, the Corporation of the Mayor, Aldermen and Citizens of the

Action given  
the money so  
payable be not  
paid within a  
certain time.

PROVISO.

City of Montreal, such sum or sums of money so remaining unpaid as aforesaid; and the cause of such action shall be held to have arisen in the said City of Montreal, and the statement or statements of the said Sheriff, so by him furnished to the Clerk of the said city as aforesaid, in respect of which the warrant or warrants for the amount of which, either wholly or in part, any such action may be brought, shall be sufficient *prima facie* evidence in the said action, of the probable expense of guarding the said Gaol for the period or periods mentioned in such statement or statements respectively: Provided always, that if and whenever it shall be pleaded by the said Corporation, by way of defence in any such action, that the said Sheriff hath not accounted to the Council of the said city for the application and expenditure of any sum or sums of money paid to him by the Treasurer of the said city, for the purposes and in the manner aforesaid, under and by virtue of this Act, previous to the date of such statement or statements, the burden of proving that he did so account shall lie upon the said Sheriff; and in the event of his failing to do so, the action shall be dismissed with costs against the said Sheriff personally.

#### CONTRIBUTION TO BUILDING AND JURY FUND,

Yearly contribution by local Municipalities;

By the 15th section of chapter 109 Consolidated Statutes of Lower Canada, (12th paragraph,) it is provided that for keeping in good repair the District Court Houses and Gaols, erected or to be erected, and for paying the Petit Jurors in criminal cases in the same, there shall be, in and for each such district a fund, to be called "The Building and Jury Fund," which shall consist among other things of a yearly contribution from each local Municipality in the district, which contribution shall be: forty-eight dollars yearly from the local Municipality in which such Court House and Gaol are situate—twenty-four dollars yearly from each other local Municipality in the county in which such Gaol and Court House are situate,—and twelve dollars yearly from each other local Municipality in the district; subject to the following exceptions and provisions, that is to say:



The local Municipalities or Corporations of the Cities of Quebec and Montreal shall each contribute double the aggregate amount to be so contributed by all the other local Municipalities within the Districts of Quebec and Montreal, respectively;

By Cities of  
Quebec and  
Montreal.

By the 30th section of the same chapter (109), it is provided that: If at any time the ordinary funds of the Corporation of the City of Quebec or Montreal be insufficient to meet any contribution required to be made, under the provisions of this Act, or under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-nine, it shall be lawful for the Council thereof to impose for that purpose a special tax or assessment, over and above the amount for which such Council is then authorized by law to impose rates or assessments, and to appropriate for that purpose any part of the fees of the Recorder's Court, or to impose upon proceedings in that Court a special tax, to create a fund for the above mentioned purpose.

Corporation of  
Quebec or  
Montreal may  
impose a special  
rate for pur-  
poses of this  
Act, or 14, 15  
V., c. 129.

## CONSOLIDATED STATUTES—CANADA.

## (CHAPTER 6.)

## REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Duty of Assessors in Lower Canada.

9. The Assessors in Lower Canada shall ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the assessment roll ; and shall enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be. 22 V., c. 82, s. 5.

Valuators or Assessors in L. C. to insert certain matters in their rolls.

18 V., c. 100.

2. Notwithstanding anything in the *Lower Canada Municipal and Road Act of 1855*, in the Acts amending the same, or in any Act incorporating any city or town in Lower Canada, every Assessor, Valuator or other person employed to make the valuation or assessment roll of property in any city, town, village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to all other information required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property ;

Payments in produce, &c., to be reckoned part of the rent.

3. And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money, or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favour of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce, premium, improvement or consideration in establishing the annual rent or value of such property ; 22 V. (1859), c. 10, s. 3.

Valuation or assessment rolls to be attested on oath.

4. Every valuation or assessment roll, every revised valuation or assessment roll, and every list of voters, made under the provisions of this Act, of the Acts hereby amended, or of

any other Act, shall be subscribed or attested by the person or persons making the same, and by any person employed under the authority of the second sub-section of the sixty-fifth section of *The Lower Canada Municipal and Road Act of 1855*, if any such person be so employed, and attested by his or their oath or affirmation, in the following form:

"I, (or, we severally and each for himself,) The oath.  
 "do swear (or solemnly declare) that to the best of my (or  
 "our) knowledge and belief, the above (*here insert title of*  
*"document as valuation or assessment roll, revised valuation*  
*"or assessment roll, or list of voters, as the case may be*),  
 "is correct, and that nothing has been improperly and fraudu-  
 "lently inserted therein, or omitted therefrom."

And such oath or affirmation shall be made before a Justice Before whom to be made.  
 of the Peace, who shall attest the same;—And the wilful False statement to be perjury.  
 making of any false statement in any such oath or affirmation,  
 shall be wilful and corrupt perjury, and punishable as such,  
 as provided by the Interpretation Act, which shall apply to  
 this Act. 22 V. (1859), c. 10. s. 4.

10. It shall be the duty of the Assessors in every incor- Assessors to re-  
 porated city, and in every local municipality in Lower Canada, revise and correct  
 in which city or municipality assessment rolls are not required assessment roll  
 to be or are not made annually, to revise and correct every every year, &c.,  
 year, until the next general assessment roll is made, the then in certain re-  
 existing assessment roll so far as regards the names of the spects.  
 owners and tenants or occupants of all real property, entitled  
 under the provisions of this Act to be entered on the list of  
 voters at the elections of members of the Legislative Council  
 or Assembly; and such revision and correction shall be made At what time.  
 annually at and during the same period of the year at and  
 during which the original assessment was made; and every To whom to be  
 such revised and corrected assessment roll shall be delivered delivered.  
 to the Treasurer or Secretary-Treasurer of the Municipality,  
 in the same manner and within the same delay as the original  
 assessment-roll is required to be delivered.

11. The Clerk, or Treasurer, or Secretary-Treasurer of The Clerk of the  
 every such city and of every such local municipality, shall, Municipality to  
 immediately after the assessment-roll has been received by make a list of  
 persons quali-  
 fied to vote, dis-

distinguishing tenants from owners, &c.

Separate lists for each Ward in cities.

Proceedings when a Municipality is partly in one electoral division and partly in another.

Clerk, &c., to certify on oath of the correctness of such list, &c.

Duplicate to the Registrar of the county.

List to be revised, &c., yearly.

Copy to be posted up, and where.

the Clerk, Treasurer, or Secretary-Treasurer of the Municipality, make an alphabetical list of the persons who appear by the assessment-roll to be qualified, under this Act, to vote at elections of members of the Legislative Council or Assembly, in respect of property mentioned in such assessment roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified; and in every such incorporated city, the Clerk or Secretary-Treasurer shall make out for each ward a separate list of the above kind, of all persons entitled to vote in respect of real property situate within such ward;

2. If any Municipality is partly in one electoral division and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such electoral divisions, one such alphabetical list containing the names, with such description of property, of all persons on the assessment-roll who are entitled to vote in respect of real property situate in each of such electoral divisions respectively;

3. Such Clerk, Treasurer or Secretary-Treasurer shall certify by oath or affirmation, before any two Justices of the Peace, to the correctness of the list or lists so made out by him, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the county or registration division within which the Municipality lies;

4. And the Clerk, Treasurer or Secretary-Treasurer in any city or municipality in which assessment rolls are not made annually, shall make out in the same manner an alphabetical list of the same kind from the assessment roll as annually revised and corrected by the Assessors;

5. A copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer, for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the

original when finally revised as hereinafter provided, and again posted up as aforesaid.

12. The list of voters made in the manner hereinbefore prescribed for any Municipality in Lower Canada (not including cities), shall be subject to revision and correction in the same manner and by the same authority by which the assessment roll may by law be revised and corrected; and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the assessment roll;

List subject to revision, and by whom.

In places other than cities.

2. And in cities, such members of the City Council as shall be appointed by such Council for that purpose (or if there be a Board established by law for revising the list or lists of municipal electors or voters, such Board), shall be a Board for revising the list of voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council;

In cities.

3. The said Board or other authority shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the valuation roll, provided such overvaluation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the said Board or other authority shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following section.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

13. If any person deems himself aggrieved either by the insertion or omission of his name in any such list, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the city or municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the roll. 22 V., c. 82, s. 5.

How persons deeming themselves aggrieved with regard to such lists, shall proceed.

Persons omitted from the list because they are not on the assessment roll, &c., may complain and appeal.

2. And whenever the name of any voter entitled to have his name entered on the valuation or assessment roll, or on the revised valuation or assessment roll, is omitted from the list of voters, in consequence of its having been omitted from any such roll or revised roll, such person shall have the same right of complaint and of appeal in order to have his name placed on the said list of voters, as if it had been omitted from the said list after having been inserted in such roll or revised roll. 22 V. (1859), c. 10, s. 6.

If any person entered on the list is objected to; or any person is omitted who is alleged to be qualified.

3. If any person, being himself a voter whose name is on the list, thinks that the name of any other person also entered thereon ought not to have been so entered because such other person is not duly qualified as a voter,—or thinks that the name of any other person not entered thereon should be so entered because such person is duly qualified as an elector, he may file a complaint to that effect with the Clerk or Secretary-Treasurer of the city or municipality within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the assessment roll, and to the person the entry of whose name on the list is objected to, if he resides within the limits of the city or municipality (and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all concerned), or to the person whose name is not entered on the said list, but ought to be entered thereon if the complaint be admitted ;

Notice to parties.

Board, after hearing parties, finally to determine, &c.

4. At the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned the said Board or authority shall, after hearing such of the parties notified as aforesaid as then and there appear, or without hearing any of them who fail so to appear, finally determine the complaint and affirm or amend the said list by entering thereon or erasing therefrom the said names, as after such hearing they think right ;

Proceedings of the Revising Board on any

5. The said Board or authority shall hear and determine any such complaint as aforesaid, and correct the list of voters

according to such determination, and may adjourn the hearing in any case at pleasure, and may examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or summon any person resident in the city or municipality to attend as a witness before them;—And if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority condemns to the payment thereof), he shall thereby incur a penalty of twenty dollars, to be recovered with costs, to the use of the city or municipality, in any way in which penalties under By-laws can be recovered;

such complaint, and their powers to decide, &c.

Evidence—  
Oaths.

Witnesses  
compellable to  
attend, &c.

6. All the proceedings under this section shall be summary, and the Board or authority hearing any such complaint as aforesaid (whether in any city or in any other municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they deem most conducive to equity and the substantial merits of the case;

Such proceedings to be summary, &c.

14. Any person who has filed any complaint to the Board or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint has been filed, and who deems himself aggrieved by the decision of such Board or authority touching such complaint, may, within eight days after such decision has been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Clerk or Secretary-Treasurer of the city or other municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned.

Appeal given from the Revising Board to the Superior or Circuit Court.

2. Any Judge of the Superior Court shall have full power and authority to hear and determine such appeal in a sum-

Judge to hear and determine on such appeal

- in a summary way.**      many manner either in term or vacation, at such time and in such way as he thinks best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Superior or Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties ;
- His powers for that purpose.**      3. The decision of such Judge shall be final and conclusive ; and the Clerk or Secretary-Treasurer having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Court by which it has been given ;
- His decision to be final.**      4. The costs of any such appeal shall be in the discretion of the Judge, and shall be taxed by him at such sum and for and against such parties respectively as he thinks right ; and any party in whose favour any such costs are taxed, may recover them from the party against whom they are taxed, by execution in the manner in which costs awarded by any judgment of the Court may be recovered ;
- Costs of appeal, how and against whom taxable.**      5. No evidence shall be received by the Judge on any such appeal, except such as he sees reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made ; And the pendency of any such appeal shall not affect the validity of those parts of the lists of voters from which no appeal is made, but the same shall for all the purposes of this chapter be deemed finally revised and corrected so soon as the delay allowed for appealing has expired : And no proceeding on such appeal shall be void for want of form.
- As to evidence.**      15. After any such list has been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his office ; and until another is in a future year made, revised
- Appeal not to affect parts of list not appealed from.**
- List finally revised to be returned and posted up.**
- No one not upon it to vote.**



and corrected in its stead, those persons only whose names are entered upon such list, as finally revised and corrected, shall be entitled to vote at any election of a member of the Legislative Council or Assembly for the city or municipality for which it was made, or the electoral division of which such city or municipality forms part.

16. The Clerk or Secretary-Treasurer of any city or municipality as aforesaid, shall furnish to every Deputy-Returning Officer acting in such city or municipality, or in any ward or division thereof, a true copy or true copies, certified by such Clerk or Secretary-Treasurer, of the list of voters then last revised and corrected as aforesaid, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any assessment-roll, unless the name of such person is found upon the copy of the said list furnished to him. 22 V., c. 82, s. 5.

Copies of lists to be furnished to Deputy-Returning Officers.

2. If at the time of any election, no list of voters for the current year has been made or exists, the Returning Officer and Deputy-Returning Officers for such election shall be furnished with the list of voters last made or existing, and shall govern themselves thereby; and such list shall have the same effect as if it were the list for the current year. 22 V. (1859), c. 10, s. 5.

If no list exists for any year, the then last list to be taken.

3. If the Clerk or Secretary-Treasurer of any city or municipality in Lower Canada does not furnish to every Deputy-Returning Officer acting in such city or municipality, or in any ward or division thereof, a true copy or copies of the proper list of voters, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act, the Returning Officer shall procure from the Registrar of the county or registration division, or if he be himself such Registrar shall furnish, a copy certified by him to be correct, of the then last list of voters for such municipality, part of a municipality or ward, filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer; and the cost of such copy shall be paid by the Clerk or Secretary-Treasurer in default, and

If the list of voters is not furnished to any Deputy-Returning Officer, the Returning Officer shall procure it from the Registrar.

Cost, how paid.

may be recovered from him or from the municipality of which he is such officer, by the Returning Officer or Registrar who has procured or furnished such copy. 22 V. (1859), c. 10, s. 7.

No voting  
where no list.

Proviso: For  
the case when  
Valuators ap-  
pointed by the  
Governor, un-  
der the munici-  
pal laws, ne-  
glect to make  
the valuation.

17. No voting shall be taken, nor shall any poll be held in any municipality in which no list of voters has been made :

2. But if the Valuators appointed by the Governor, under the Municipal Law in force in Lower Canada neglect to make the valuation required by the said law, the Governor shall, on the complaint of the Chief Officer of the Municipal Council, or of the Registrar of the county, or of two proprietors duly qualified to vote in the said municipality, appoint in their place other Valuators, who shall be required to make the said valuation in the manner in which it ought to have been made by the Valuators whose duty it was to have made it, and they shall in this respect have all the same rights and powers to exercise, and all the same duties to perform, and shall be bound under the same penalties in case of failure or neglect on their part, and the provisions of the said law shall apply to them in the same manner as to the first Valuators appointed by the Governor ;—And the time to be allowed to the former Valuators as well as to those subsequently appointed by the Governor for making the said valuation, shall be twenty days from the day on which their appointment has been announced in the *Canada Gazette* ;

If the Clerk,  
&c., of any  
Municipality  
neglects to  
draw up the  
alphabetical list  
required, &c.

3. And if the Clerk, Treasurer, or Secretary-Treasurer neglects to draw up the alphabetical list as required by the eleventh section of this Act, the Governor, on the complaint of the Chief Officer of the Municipal Council of the city or other municipality, or on the complaint of the Registrar of the county, or of two duly qualified voters of the said city or municipality, shall appoint a Clerk *ad hoc* to make the said alphabetical list, and the said Clerk *ad hoc* shall in that respect be vested with all the same rights and powers, and shall have all the same duties to perform, and under the same penalties in case of failure or neglect on his part, as the Clerk of the Municipality himself, and the Chief Officer and the other Officers of the said Municipal Council (in so far as it shall

depend on each of them) shall be bound to deliver up to the said Clerk *ad hoc* the said valuation-roll, under the penalties imposed by the twentieth section of this Act.

18. The list of voters mentioned in the eleventh section of this Act, shall be considered finally revised and corrected when it has been so revised and corrected by the authority of the Board of Revisors mentioned in the twelfth and thirteenth sections ;

List of voters to be revised and corrected by Revisors.

2. But if between the day of such final revision and correction, and any time before the issuing of a writ for the election of a member of the Legislative Council or Assembly, it be shown to any Judge of the Superior Court in Lower Canada, that the Clerk or the Secretary-Treasurer of a city or Municipality has altered or falsified the said list of voters as finally revised and corrected, or allowed the same to be altered or falsified, the said Judge shall summon the said Clerk or Secretary-Treasurer of the said city or Municipality, or other Officer in charge of the assessment or valuation rolls, to appear before him and to produce the same, together with the list of voters, and to undergo such an examination under oath as the Judge may require ;

Proviso: If within a certain time it be shown to a Judge that any such list has been tampered with, &c.

3. At the time and place appointed for the appearance of such person, the Registrar shall appear before the Judge, bringing with him the duplicate of the alphabetical list: And after an examination of the said roll and list, and with or without further proof, as he shall see fit, the Judge shall make such alterations and corrections in the said list and duplicate thereof as he considers necessary and proper, in order that the said list and duplicate may be in all respects similar to the list as finally revised and corrected. 22 V., c. 82, s. 5, and 22 V. (1859), c. 10.

Rolls and list to be produced before the Judge.

Judge to order corrections, if necessary.

(27 VICTORIA, CAP. 8.)

## An Act to amend the law respecting the Qualification and Registration of Voters in Lower Canada.

(Assented to 15th October, 1863.)

Preamble.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Within what time the revised assessment roll must be made, under sect. 10 of Con. Stat. Can., c. 6.

In default, Assessors to be appointed by the Governor to make it.

When the list of voters must be made.

1. The duties imposed upon Assessors by the tenth section of the sixth chapter of the Consolidated Statutes of Canada, shall be performed between the first days of June and August in every year in which a valuation roll is not required by law to be made ; and if a revised and corrected assessment roll be not delivered by the Assessors of any Municipality to the Treasurer or Secretary-Treasurer thereof, on or before the first day of August in any such year, three Assessors shall be appointed by the Governor for that purpose, in the manner provided by the fifty-sixth section of the twenty-fourth chapter of the Consolidated Statutes for Lower Canada, and they shall revise, correct and return to the Treasurer or Secretary-Treasurer, as the case may be, the assessment roll of such Municipality, within fifteen days next after the date of their appointment ; and such revised and corrected assessment roll shall, upon such return, be held to be revised, corrected and in force, within the meaning of the said sixth chapter of the Consolidated Statutes of Canada.

2. The duty of making an alphabetical list of voters, imposed by the eleventh section of the sixth chapter of the Consolidated Statutes of Canada upon the Clerk, Treasurer or Secretary-Treasurer of each city or local municipality, shall be performed within fifteen days next after the return to him of the valuation or assessment roll, or the revised valuation or assessment roll, as the case may be.

3. The Clerk, Treasurer or Secretary-Treasurer, as the case may be, of each city and municipality, shall deposit with the Registrar of the registration division in which such city or municipality is situate, within fifteen days after the completion of the voters' list, a duplicate thereof, certified and attested in the same manner as is required by law for the original voters' list, to be retained by him.

Duplicate of list to be deposited with Registrar.

4. The voters' list then last made and in force in the Cities of Montreal and Quebec, according to the requirements of chapter six of the Consolidated Statutes of Canada, or in any other municipality, according to the requirements of this Act and of the said chapter six, shall be the voters' list, a copy of which shall be furnished to each Deputy-Returning Officer, and which shall be used at any election of a member of the Legislative Council or Assembly, provided such list has been made, revised, corrected, and a duplicate thereof, duly certified, deposited in the Registry Office, at least one month before the date of the writ under which such election shall be held; and in case such duplicate has not been deposited in the Registry Office at least one month before the date of such writ of election, then the voters' list last previously made and in force, and a duplicate whereof had been deposited in the Registry Office at least one month before the date of such writ of election, shall be used; and no such copy shall be delivered to, or used by, any such Deputy-Returning Officer, unless there is upon such copy a certificate of the Registrar, that a duplicate of such list was deposited in his office at a date at least one month prior to that of the writ of election, which certificate the Secretary-Treasurer, the Returning Officer, or Deputy-Returning Officer, as the case may be, shall procure from the Registrar.

What voters' list shall be used at any election.

Registrar's certificate required on the list used.

5. Nothing in this Act contained shall prevent the lists of voters, made as aforesaid, from being revised and corrected in the manner prescribed by the twelfth, thirteenth, fourteenth and fifteenth sections of chapter six of the Consolidated Statutes of Canada.

Act not to prevent revision and correction of list.

6. The actual assessed value of real property shall be the basis of the right of the owner thereof or of the person occu-

What shall be the value by which an own-

er's or tenant's  
right to vote  
shall be ascer-  
tained.

pying the same as the owner thereof, to vote in respect thereof; and the annual rent or profit, derived by the owner of any real property from any other person leasing or occupying the same as tenant, shall be the basis of the right of such other person to vote as the tenant thereof; and the annual value ascertained by the Valutors, to any occupant within the meaning of chapter six of the Consolidated Statutes of Canada of the use of such property, shall be the basis of the right to vote as the occupant thereof.

Sect. 17 of c. 6  
Con. Stat. Can.  
amended.

No voting, un-  
less list has been  
made and de-  
posited with  
Registrar.

7. The first paragraph of section seventeen of the said chapter six of the Consolidated Statutes of Canada, shall be amended so as to read as follows: "No voting shall be taken, nor shall any poll be held in any Municipality in which no list of voters has been made and a duplicate thereof, duly certified, deposited with the proper Registrar at least one month before the date of the writ of election."

Penalty for  
refusal or  
neglect to  
comply with  
this Act.

8. Every Assessor or Valuator who shall refuse or neglect to revise the assessment or valuation roll, or to deliver the said roll so revised to the Secretary-Treasurer, on or before the first day of August in any year in which a new assessment or valuation roll is not by law required to be made,—every Clerk, Treasurer, or Secretary-Treasurer of a city, town, village, or other local municipality, who shall refuse or neglect to make the list of voters within the time limited by this Act, or to transmit to the proper Registry Office a duplicate of the lists of voters within the time limited by this Act, or to perform any duty imposed on him by this Act—shall be liable to a penalty of ten dollars for each day during which such Assessor, Valuator, Clerk, Treasurer or Secretary-Treasurer shall have refused or neglected to perform any such duty imposed on him by this Act.

Limitation and  
construction of  
Act.

9. This Act shall apply only to Lower Canada, and shall be construed as part of the said chapter six of the Consolidated Statutes of Canada.

(27 VICTORIA, CAP. 2.)

## MILITIA.

*(Extract.)*

## SERVICE ENROLLMENT IN LOWER CANADA.

10. The mode of enrolment of the Militia shall in Lower Canada be as follows, that is to say :—the Assessor or Assessors, Valuator or Valuators for each Municipality in Lower Canada, in which a valuation or assessment roll is made in each year, shall, annually, and the Assessors or Valuators in each Municipality in Lower Canada, in which such roll is not made annually, shall in each year after the present in which such roll is made, commencing with the year one thousand eight hundred and sixty-four, and at the same time when they are engaged in taking the assessment or valuation of real and personal property in their respective municipalities, include in their valuation or assessment roll, the names and residences of all male persons in their respective municipalities between the ages of eighteen and sixty years ; and they shall prepare three additional columns in such valuation or assessment roll, which will be headed respectively “First Class Service Militia Roll,”—and “Second Class Service Militia Roll,”—and “Reserve Militia Roll.” And they shall insert in the “First Class Service Militia Roll” the names of all male persons of eighteen years of age and upwards, but under forty-five years, who are unmarried men and widowers without children; and in the “Second Class Service Militia Roll” the names of all persons of eighteen years of age and upwards, but under forty-five years of age, who are married men and widowers with children; and in the “Reserve Militia Roll,” the names of such persons as are

Mode of enrolling militiamen in L. C.

Rolls to be made by Assessors or Valuators.

Columns for the different classes of militiamen.

First class.

Second.

Reserve.

Copy transmit-

and the copy required by law to be made of any such valuation

ted to Warden  
to contain such  
rolls.

tion or assessment roll for transmission to the Warden of the county, shall contain the additions herein specified ; and in addition to any oath or certificate required under the present or any future laws of this province, to be taken or given by such Assessor or Assessors, Valuator or Valuators, in respect to the assessment or valuation roll, there shall also be made and attached to the said roll the following certificate signed by such Assessor or Assessors, Valuator or Valuators :

Certificate to be  
attached to such  
rolls.

“ I do certify that I have truly and faithfully and to the best of my knowledge, information and belief, set down in the above militia rolls, the names of all male persons within the Municipality of (*as the case may be*), liable to be enrolled for service by the militia laws of this Province ; ” and such certificate shall be verified by him or them, upon oath, before a Justice of the Peace.

And attested  
on oath.

Rolls to be sent  
to County  
Warden from  
certain munici-  
palities in L. C.

11. As respects any city, town, or village municipality in Lower Canada, the assessment or valuation roll whereof is not by law required to be delivered to the County Warden, the Assessors or Valuators shall deliver a true copy, certified as aforesaid, of the militia rolls on any such valuation or assessment roll, to the Warden of the county in which the Municipality lies, within *fourteen* days after they have completed such roll.

Provision as to  
municipalities  
in Lower Ca-  
nada where  
assessment rolls  
are not made  
yearly.

12. In those Municipalities in Lower Canada in which the valuation or assessment is not made yearly, the Assessors or Valuators shall, between the first day of February and the first day of May, in each year in which such roll is not made, make out militia rolls for the municipality, containing the particulars above mentioned, and shall certify the same as above directed and transmit them to the Warden of the county in which the municipality is situated, before the first day of June in each such year ; provided always, that the Commander-in-Chief may, in any year, appoint any one or more officers of the militia to make such militia rolls in any parish, township or other local municipality in Lower Canada ; and in respect of such rolls the said Assessors and Valuators, and each of them, shall have the duties and the same powers for obtaining the requisite information, as they have with respect

Proviso: Offi-  
cers of militia  
may be ap-  
pointed to make  
such rolls.

Powers of  
officers making  
the rolls.






tended to militia rolls.

\* any town or city in Lower Canada, relative to assessments or valuations, shall be applicable to the enrolment of the Service Militia hereinabove mentioned, and shall, in so far as such enrolment extends, be read and deemed as part thereof, and every Assessor or Valuator shall, as regards the making of the said militia rolls, have the same duties and powers and the same liabilities, in case of any default on his part, as he has with regard to the assessment or valuation rolls.

Tavern-keepers, &c., to give all necessary information.

16. All tavern-keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application of any Assessor or Valuator, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such Assessor or Valuator may demand.



27 AND 28 VICTORIA, CAP. 41.

(Extract.)

## Jury Lists.

Sec. 4. Within two months from the time at which this Act comes into force, the Clerk or Secretary-Treasurer of every Municipality, any part of which is within ten leagues of the place of holding the Court in the District in which such Municipality is situate, shall cause to be made and to be delivered without charge to the Sheriff of such district, at his office, a duly authenticated copy of the assessment or valuation roll of such Municipality, then in force therein for municipal purposes; or if such roll has been revised and corrected under the provisions of chapter six of the Consolidated Statutes of Canada, intituled: *An Act respecting Election of Members of the Legislature*, then of such roll as so revised and corrected:

Copies of valuation rolls to be sent to the Sheriff of the district.

Or of revised rolls, under cap. 6 Con. Stat. Canada

Sub-sec. 12 of sec. 4.—If any Clerk or Secretary-Treasurer of any Municipality fails to cause an authenticated copy of its assessment or valuation roll, or revised assessment or valuation roll, as the case may be, to be transmitted within the respective periods of two months, and free of charge to the Sheriff, as hereinbefore provided, the Sheriff shall procure the same from the Secretary-Treasurer; and he may recover from the Municipality his disbursements in and about procuring the same, including all travelling expenses of a messenger, if one be sent; together with a like amount by way of penalty for such failure, with costs, by suit in his own name, before any competent tribunal.

If the rolls be not transmitted in due time to the Sheriff.

Penalty.



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**PART SECOND.**

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**BY-LAWS**

**OF**

**THE CITY OF MONTREAL.**

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# BY-LAWS

OF

## THE CITY OF MONTREAL.

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### CHAPTER I.

#### By-Law in relation to the Mayor.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. The Mayor of the said City shall exercise the right of superintendence and control over all Officers of the Corporation; he shall see that all By-laws, Rules and Regulations of the said City are faithfully and impartially enforced, and it shall also be the duty of the said Mayor, from time to time, to lay before the Council of the said City such By-laws or alterations in those in force, as he may deem necessary and proper, and to communicate to the said Council all such information and suggestions as may tend to the improvement of the Finances, the Police, Health, Security, Cleanliness, Comfort and Ornament of the said City. The Mayor's duties.

Sec. 2. The said Mayor is hereby authorized to sign, seal and execute, on behalf of the said Council, all Deeds, Bonds, Contracts, Agreements or Assurances made and entered into or directed to be entered into by the said Council. The Mayor authorized to sign deeds, &c.

## CHAPTER II.

## By-Law in relation to the City Clerk.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

City Clerk  
to attend  
meetings.

To keep  
minutes.

Sec. 1. The City Clerk shall attend all meetings of the Council and of the several Committees, and shall keep minutes of all such meetings respectively : he shall have proper records of such minutes made and kept in his office in books to be provided for that purpose.

He shall keep  
a book for  
By-laws.

Also a Letter-  
book.

Sec. 2. It shall be the duty of the said City Clerk to keep a separate and distinct book, in which shall be entered in full all By-laws and Regulations made and enacted by the Council ; and also to enter in a separate book, copies of all letters written by order of the Council or of any Committee.

City Clerk shall  
have charge of  
the City Seal.

Sec. 3. It shall be the duty of the said Clerk to keep under his charge and custody the Common Seal of the City, and to affix the same to all documents or instruments in writing which may, from time to time, be made, granted or issued, by order of the Council or signed by the Mayor.

Fee for Seal.

Sec. 4. There shall be paid to the City Clerk by every person who shall desire the Seal of the said City to be affixed to any document whatsoever, in which the Corporation shall be in no wise concerned, the sum of fifty cents.

Notices to  
members.

Sec. 5. It shall be the duty of the said Clerk to issue or cause to be issued to the respective members of the different Committees, notices of all meetings thereof, and also notices to all persons whose attendance may be required before such Committees, when directed so to do by the Chairman of any Committee.

Papers and  
documents to be  
delivered to  
members.

Sec. 6. It shall be the duty of the said Clerk, when required by the Mayor or the Chairman of any Committee, to deliver to the same all papers and documents under his charge, which



may be required to be acted upon by the Council or the said Committee.

Sec. 7. It shall be the duty of the said Clerk, after the passing of any resolution of the Council, directing the payment of any sum of money out of the City Treasury, to communicate the same to the City Treasurer; and also to transmit, without delay, to the several Committees, copies of all resolutions, orders, or communications that may be respectively referred to them by the Council.

Clerk to transmit certain resolutions to City Treasurer.

### CHAPTER III.

#### By-Law in relation to the City Treasurer.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

Sec. 1. The City Treasurer shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show distinctly and separately all the receipts and expenditure of each department, and also all the debts due to the Corporation by ratepayers.

City Treasurer to keep set of books.

Sec. 2. The said City Treasurer shall take charge of, and preserve all titles, deeds, leases, mortgages relating to property belonging to the Corporation, and of all evidences of debts due to the Corporation.

To take charge of titles, deeds, &c.

Sec. 3. The said City Treasurer shall superintend all Officers of the Corporation, whose duty it is to receive or disburse the public funds of the City, and shall compare their accounts with the vouchers accompanying the same and with the books of his office.

To superintend Officers charged with collection of money.

Sec. 4. The said City Treasurer shall use all due diligence to enforce the collection of all assessments, rates, or debts

City Treasurer to enforce collection of revenue.

whatsoever due to the Corporation; he shall examine and settle the accounts of all persons indebted to the Corporation; and he shall adopt such legal proceedings, in the name of the Corporation, as may be necessary to secure the payment of such assessments, taxes, and debts, or to obtain possession of any premises belonging to the Corporation.

Books for deeds,  
leases, &c.

Sec. 5. The said City Treasurer shall keep proper books for recording such deeds, grants, and leases, as may be given or issued by the Corporation, or in which the said Corporation may be a party.

To enter in  
a book all  
moneys drawn  
upon him.

Sec. 6. The said City Treasurer shall keep separate books for the entry of all accounts for moneys duly drawn upon him; he shall not pay any moneys in his hands unless the same be first appropriated by a resolution duly passed by the Council, to the object specified in the warrants issued; and he shall in no case exceed by his draft the sum appropriated. In the event of any appropriation being exhausted, he shall give notice of the fact to the Finance Committee, with a statement of the sums which have been drawn on such appropriation.

Not to exceed  
amount of  
appropriation.

When appro-  
priation is  
exhausted.

City Treasurer  
to adjust ac-  
counts, &c.

Sec. 7. The said City Treasurer shall adjust the accounts of all the committees appointed by the Council, and classify the accounts of each department under its proper head.

To lodge  
moneys in  
the Bank.

Sec. 8. The said Treasurer shall lodge, at least once in every week, in one or more banks in the City of Montreal, as the Finance Committee shall direct, all moneys by him received on account of the Corporation; and he shall thereupon make a report, once every month, to the said committee of the amount of such moneys so deposited, and of the amount by him drawn from such bank or banks, under any warrant or warrants duly issued.

He shall open  
an Appropriation  
book.

Sec. 9. It shall be the duty of the City Treasurer, at the commencement of each civic year, to open a book to be called "Appropriation Book," wherein shall be stated the appropriations granted to each department of the Corporation during the year, and the amount expended thereon, to the end that whenever any such appropriation shall have been exhausted,

he shall immediately communicate the fact to the Mayor or the Finance Committee, that he or they may withhold further expenditure on such appropriation; the said appropriation book shall be regularly balanced at the end of each civic year.

Sec. 10. The City Treasurer shall, as early as may be in the month of March in every year, lay before the Finance Committee, a statement of all the receipts and expenditure of the past financial year, giving in detail the amount of appropriation and expenditure for each department, and the receipts from each source of income; and the said statement shall be accompanied by a schedule showing the debts due by the City, when payable, and the rate of interest thereon.

City Treasurer  
to make out  
statement at the  
end of the year

#### CHAPTER IV.

#### By-Law in relation to the City Surveyor.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

Sec. 1. The City Surveyor shall be chief overseer of all streets, squares, highways, common sewers, and all other public works or places, over which the said Council have the right of supervision or control.

City Surveyor,  
powers and  
authority of.

Sec. 2. The said City Surveyor, under the direction and control of the Road Committee, shall have charge of all the plans in connection with the Road Department: he shall, by himself or his deputy, make all such surveys, admeasurements and levels, and perform such other services as may be required of him by the said Council, or the Road Committee: he shall also keep records of all his proceedings in proper books, which shall, at all times, be open to the inspection of every member of the Council.

His duties.

Deputy City  
Surveyor.

Sec. 3. The said Council shall appoint a Deputy City Surveyor, whose duty it shall be to assist the said Surveyor in the discharge of the duties appertaining to his office, and who shall be vested with all the powers conferred upon the said City Surveyor during his absence or sickness.

His powers.

City Surveyor  
to report what  
repairs are  
wanted, &c.

Sec. 4. It shall be the duty of the said Surveyor to examine and determine, from time to time, whether any repairs or improvements may be necessary, to any street, sidewalk, sewer, or other public work in the City, and to report the same to the Road Committee.

He shall ex-  
amine all pe-  
titions sent to  
the Road Com-  
mittee, &c.

Sec. 5. It shall be the duty of the said Surveyor to enquire into the subject matter of all applications or petitions brought before or submitted to the Road Committee, in relation to any matter in connection with the Road Department, and to report to the said Committee the particular circumstances of such applications or petitions.

He shall super-  
intend works,  
&c.

Sec. 6. It shall be the duty of the said Surveyor to examine and superintend all public works undertaken for and on behalf of the Road Committee, and to enforce the observance of all contracts for the execution of such works.

He shall make  
an annual  
report.

Sec. 7. The said Surveyor shall, annually, on or before the fifteenth day of March, report to the said Council upon the works and improvements made in his department during the preceding civic year, and also upon the state of all works or improvements in progress in the City, with any suggestions he may deem expedient to offer in the premises.

Precautions to  
be taken for  
guarding  
works, &c.

Sec. 8. It shall be lawful for the said Surveyor to place, when necessary, proper guards or enclosures in any street or section of street, wherein any work, repair or improvement is being made, for the purpose of preventing such works, repairs or improvements from being impeded or interfered with, before they are fully completed: Provided, that in all cases, where required, a sufficient passage shall be left for foot passengers.

Ibid.

Sec. 9. In all contracts requiring any excavation to be made in any of the streets or public places in the City, it

shall be the duty of the said Surveyor to have a covenant inserted, whereby the contractors for all such work shall be bound to erect, at their own expense, a sufficient fence or enclosure around the said work, and during the night to place a light or lights in such a manner as to prevent danger to passengers ; such fence or enclosure, light or lights, to be continued until the completion of the work ; and the contractors being made responsible, in all cases, for any damages which may be occasioned by the violation on their part of any of the stipulations aforesaid.

Sec. 10. It shall be lawful for the said Surveyor to grant Private drains. to any proprietor or occupant of any house or lot in the said city, a permit to connect any private drain with any of the common sewers of the city, provided that nothing be done contrary to the By-law of the said Council in that respect, and Fee. that one dollar be paid to the said Surveyor, for and on behalf of the said Council, for every such permit.

Sec. 11. It shall be the duty of the said Surveyor, under the direction of the Road Committee, to employ cartmen to remove the manure, rubbish and dirt from the streets, and to report weekly to the Road Committee all infractions of the By-laws relating to the sweeping, cleaning or obstructing of the streets of the City: he shall also have charge and care of all carts and implements belonging to the Road Department, and shall keep the same in good order. City Surveyor may employ cartmen to remove dirt from streets, &c.

Sec. 12. It shall be the duty of the said Surveyor, when required by any person wishing to build on any street or public place in the City, to establish by a survey the line of such street or place, and to draw up a *procès verbal* of the same, a copy of which shall be delivered to the proprietor, or person requiring such alignment, on payment of a sum of He shall give alignment of street to parties applying for the same. Fee. two dollars, to be accounted for to the City Treasurer.

Sec. 13. It shall be the duty of the said Surveyor to render to the Road Committee, when required, an account of all expenditures by him made, connected with the cleaning and repairing of the streets, and of all moneys by him received for the use of the Corporation. He shall render an account, &c.

## CHAPTER V.

By-Law to provide for the Care and Management of the Montreal Water Works, and to establish a Tariff of Water Rates.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Water Department, under whose direction.

Sec. 1. The Water Department of this City shall be under the direction of the Water Committee.

Superintendent to have charge of aqueducts, &c.

Sec. 2. The Superintendent of the Water Works shall take such charge of the Aqueducts, lands, reservoirs, and other works and property, as well as of all plans belonging to or connected with the Water Works, as the Water Committee may from time to time direct ; and he shall perform all such services in relation thereto, as may be required of him, by the said Committee, or the City Council.

He shall make an annual report.

Sec. 3. The said Superintendent shall, on or before the fifteenth day of March, annually, present to the City Council a report of the general condition of the Water Works and such other matter as he, or the Water Committee, may deem expedient, accompanied by any information or suggestion, which he or they may deem necessary.

City's agents may enter premises, &c.

Sec. 4. The said Superintendent, or any of his deputies, may enter the premises of any Water Tenant, to examine the water pipes and apparatus, the quantity of water used, and the manner of use.

Introduction of water and distribution pipes.

Sec. 5. The introduction of the said Water into all buildings to be supplied by the said Water Works, shall be made by and at the expense of the said Council ; but the distribution of the Water in all such buildings shall be made by and at the expense of the proprietors thereof ; and whenever any such building may be occupied by a tenant and the proprietor

thereof shall refuse or neglect to provide for the said distribution, such tenant may, in case the said Council shall exact from him the payment of the rate imposed as aforesaid, withhold from the said proprietor, out of the rents to be paid to him, the sum thus paid by such tenant, unless there be an agreement to the contrary between them.

Sec. 6. All persons taking the water shall keep the distribution pipes within their premises in good repair, and protected from frost, at their own expense; and they shall be held liable for all damage which may result from their failure to do so. Tenants to keep pipes in good repair.

Sec. 7. Water Tenants shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used. To prevent waste, &c.

Sec. 8. No alteration shall be made in any of the pipes or fixtures inserted by the City, except by its agents or officers. No alteration to be made, except, &c.

Sec. 9. No water is allowed to be supplied to parties not entitled to it under this By-law, unless by special permission from the Water Committee. Water not to be supplied to other parties, &c.

Sec. 10. No person, unless duly authorized by the said Committee, shall open any hydrant in the said City, or lift or remove the cover of, or draw water from the same. Hydrants.

Sec. 11. No person shall turn on or turn off the water in any manner, or interfere with any of the water pipes or valves belonging to the City, without the license of the Water Committee, or of the said Superintendent. Turning on or turning off of water.

Sec. 12. No person shall pass the Railing enclosing the Reservoirs of the said City, or shall defile, or deposit any filth or offensive matter in the said Reservoirs, or on the bank or ground adjacent thereto, belonging to the said City, or shall allow any dog or other animal, to go or jump into the said Reservoirs, or upon the said bank or ground; or shall pass or remain upon the said bank or ground after ten o'clock in the evening; or shall do, or cause anything to be done tending to defile or corrupt, to disturb or agitate the waters of the said Reservoirs. No person to interfere with reservoirs, &c.

No person to  
sell water from  
the river.

Sec. 13. No person shall draw water from the River St. Lawrence for the purpose of selling the same in any part of the City.

Use of hand  
hose restricted.

Sec. 14. No person shall use any Hand Hose for sprinkling the streets or for any other purpose, unless such person shall have previously obtained permission from the Water Committee so to do, and paid the rates charged for such permission in the said Tariff; and in no case shall the said Hose be used for sprinkling or watering the streets, between nine o'clock in the forenoon and five o'clock in the afternoon; nor shall any such Hose be used by builders or contractors, or any person in their employ, for sprinkling or watering bricks or other building materials.

Metre to be  
approved of.

Sec. 15. No metre shall be used for determining the quantity of water supplied by the said works, unless the same shall have been previously submitted to and approved by the said Superintendent.

Water rates  
established.

Sec. 16. The several rates enumerated and specified in the Tariff contained in the subjoined schedule, shall be and the same are hereby imposed for water to be supplied from the Water Works of the said City.

By whom  
payable.

Sec. 17. The said rates shall be due and payable to the City Treasurer, in advance, on the fifteenth day of August every year, by the occupant or lessee, or occupants or lessees of all buildings, parts of buildings, or tenements in the said City, supplied with water from the said works, as well by those who shall consent, as by those who shall refuse to receive the water pipe to supply the said water, or to use the same.

Discount for  
prompt pay-  
ment.

Sec. 18. A discount of *five per cent.* shall be allowed to all water tenants who shall pay the said rates on or before the fifteenth August in any year.

Charges for spe-  
cific supplies.

Sec. 19. All charges for specific supplies, or for fractional parts of the year, shall be payable in advance, and before the water is let on.

Sec. 20. In all cases of non-payment of the rates imposed by the present By-law for thirty days after the same are due, the



said Council or any duly authorized officer charged with the management of the said Works, may cut off the supply of Water from any building upon which the said rates shall be due, which shall not prevent the said rates from running as before ; and the Water shall not again be let on except upon payment of all arrears due.

Sec. 21. All persons offending against any of the provisions of this By-law shall be subject to a fine not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, for each offence, or to both fine and imprisonment in the discretion of the Recorder's Court.

## SCHEDULE.

### *TARIFF OF WATER RATES.*

#### DWELLING HOUSES.

For every Tenement or Dwelling House occupied by one family only :

|   | Per Annum. |
|---|------------|
| 1.—When assessed at an amount not exceeding \$30 per annum, Five Dollars . . . . .  | \$5.00     |
| 2.—When assessed at an amount exceeding \$30 but not over \$40 . . . . .  | 5.75       |
| 3.—When assessed at an amount exceeding \$40 but not over \$50 . . . . .  | 6.50       |
| And so on, continuing according to the same scale, that is to say, adding for every additional sum of \$10 or any part thereof, seventy-five cents. | 0.75       |

For every additional family lodging in or occupying any part of such Tenement or Dwelling House, an additional rate shall be exacted, equal to one-third of the rate imposed for a single family.

## STORES, SHOPS, OFFICES, ETC.

Per Annum.

For each House, part of a House or Tenement occupied as a Store, Shop, Office, Warehouse, Manufacture, or other place of business, with the exception of Retail Groceries :

- 1.—When assessed at an amount not exceeding \$50 per annum, Four Dollars ..... \$4.00
  - 2.—When assessed at an amount exceeding \$50 but not over \$75. .... 5.00
  - 3.—When assessed at an amount exceeding \$75 but not over \$100 ..... 6.00
- And so on, continuing according to the same scale, that is to say, adding for every additional sum of \$25 or any part thereof, One Dollar..... 1.00

## HOTELS OR TAVERNS.

For every Hotel or Tavern :

- 1.—When assessed at an amount not exceeding \$100 per annum, Twelve Dollars ..... 12.00
  - 2.—When assessed at an amount exceeding \$100 but not over \$150 ..... 17.00
  - 3.—When assessed at an amount exceeding \$150 but not over \$200..... 22.00
- And so on, continuing according to the same scale, that is to say, adding for every additional sum of \$50 or any part thereof, Five Dollars ..... 5.00

## STABLES.

In Private Stables—including water for washing Carriages, if there be any :

- For each Horse ..... 3.00
- Carter's Stable :
- For each Horse, owned by a Carter or Truckman, or driven in a Cart, Truck, *Diable*, or suchlike vehicle 1.50

|   | Per Annum. |
|---|------------|
| For each Horse owned by a Cab Man, or driven in a Cab, Coach, or such like public vehicle.....                          | \$2.00     |
| In Livery Stables :   |            |
| For each Horse kept for hire.....   | 1.50       |
| For every unoccupied one horse Stall in such Stables.   | 0.50       |
| In Stables in which horses, the property of persons residing within the limits of the City, are kept, fed and groomed : |            |
| For each Horse .....  | 3.00       |
| For every unoccupied Stall . . . . .  | 0.50       |
| In Stables for the keeping, feeding, and grooming of horses, belonging to persons residing beyond the City limits :     |            |
| For each one horse Stall .....  | 0.50       |
| For each Cow kept in the City.....  | 1.00       |

## STEAM ENGINES.

|   |      |
|---|------|
| For every stationary high pressure Engine, working not over twelve hours per day :  |      |
| For each horse power.....   | 7.00 |
| Or for every 100 gallons of water (the supply to be determined by <i>metre</i> to be furnished by the occupants)  | 0.03 |
| For every stationary low pressure Engine :  |      |
| For every 100 gallons of water (the supply to be determined as above, by <i>metre</i> , furnished by the occupants) .....   | 0.03 |
| For the supply of Locomotive Engines belonging to Railroad Companies ; or the Engines used in Breweries, Distilleries, or any other Manufactory, or for any other purpose whatsoever, not specially provided for in the present Tariff: |      |
| For every 100 gallons of water (the supply to be determined by <i>metre</i> , furnished by the occupants)...  | 0.03 |
| All rates imposed as above for Steam Engines shall be distinct and separate from any other rate for water imposed upon the premises.  |      |

Where there is no metre, the supply to be charged for upon an estimate to be made by the Water Committee of the quantities used each day.

#### FOUNTAINS.

Fountains shall only be supplied with water at the discretion of the Water Committee, and when so supplied shall be charged as follows :

For every 100 gallons of water ..... \$0.08

The quantity used to be determined in all cases by the estimate of the Water Committee or by metre.

#### WATER CLOSETS.

Per Annum.

For each Closet, with Tank and Service Box ..... 4.00

For each Closet without Tank, but with Self-closing Valve ..... 6.00

For each Closet supplied with water by any means whatsoever, but different from those above specified 15.00

#### BATHS.

Public Baths, or Baths for the use of which a charge is made by the occupants—for each tub ..... 6.00

#### HOSE.

For the right to attach and use a Hose of not more than three-eighths of an inch orifice, for watering the streets, &c. .... 1.00

#### BUILDING PURPOSES.

For every thousand Bricks used, the water therefor to be charged.....(Payable in advance) 0.10

For every toise of Masonry, the Water therefor to be charged.....(Payable in advance) 0.05

For every thousand yards of Plastering “ 5.00

When Water is required for purposes not specified in the foregoing Tariff, the rate shall be fixed by the Water Committee.

The Water Committee shall have power to ascertain, by metres, the quantity of Water used in any of the above cases, and charge accordingly.

## CHAPTER VI.

### By-Law in relation to Assessments and Taxes:

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

Sec. 1. The Assessors of the said City shall begin the performance of their several duties, on or before the tenth day of May, in each and every year, and they shall make their first general return of the assessments and taxes to be levied in the several Wards of the said City, on or before the first day of August following.

Duties of Assessors.

Sec. 2. It shall be the duty of the said Assessors to correct the said general return by adding thereto the names of any parties omitted, or who shall have arrived in the said City, or shall have become liable to pay any assessment or tax to the said City, at any time after the said general return shall have been made.

Sec. 3. Any Assessor in and for the said City, who shall refuse or neglect to perform any of the duties which he is required by law to execute, shall incur a Penalty not exceeding Four Hundred Dollars, for each offence.

Penalty.

Sec. 4. Between the tenth day of May and the first day of August, or as soon thereafter as may be found expedient by the said Council, in each and every year, an assessment at the rate of *one shilling and sixpence* in the pound, of the assessed yearly value of all real property in the said City,

Assessment of 1s. 6d. in the pound on real estate.

shall be made and levied upon the owners thereof: Provided, however, that in the event of the said assessment not being duly paid by the said owners, the same may be levied from, and be paid by the occupants of the said property, by whom the same may be thereafter withheld from the said owners of the said property, out of the rents to be paid them therefor.

Extra assessment of one-half cent.

Sec. 5. An annual assessment at the rate of one half cent per every four dollars of the assessed value of all real property in the said City is hereby imposed upon, and shall be payable by the proprietors of such real property, over and above the assessment imposed in and by the next preceding section of this By-law.

Statute labor.

Sec. 6. The amount of commutation money, payable annually by each person liable by law to statute labour, on the highways within the said City, is hereby established at the sum of One Dollar; and every such person shall pay the said sum of One Dollar annually, and shall not be allowed to offer his personal labour on the said highways instead thereof.

Duty on business.

Sec. 7. An annual duty is hereby imposed upon, and shall be paid, in each and every year, by each and every person or firm of persons, being wholesale merchants or dealers, or retail merchants and dealers, or wholesale and retail dealers in goods, wares and merchandises of any kind, or retail dealers in spirituous liquors, (not being tavern-keepers,) or forwarding merchants or forwarders, or the agents of merchants, traders, forwarding merchants or forwarders, or being express agents, brokers, apothecaries, chemists, or druggists, or being inspectors of pot or pearl ashes, lumber, beef, pork, flour, butter, or any other kind or description of merchandize, manufacture, produce or provision whatsoever, or being or carrying on the business of lumber merchants or dealers in wood, or keeping a lumber yard, with or without steam or water-power, or being or carrying on the business of merchant tailors, boot and shoe makers, saddlers and harness makers, stone cutters, tinsmiths, carpenters and joiners, blacksmiths, gun makers or gun smiths, confectioners, bakers, coffee-house keepers, cabinet makers, upholsterers or under-

takers, dyers, founders: ginger beer, root beer, or spruce beer brewers; soda water makers, hair dressers or barbers, ink or blacking manufacturers, gold smiths, silver smiths, jewellers, gold and foil beaters, oil cloth manufacturers, soap and candle manufacturers, oil manufacturers, bookbinders, printers, cutlers, gilders and frame makers, painters and glaziers, pump and block makers, wire workers, brush makers, chair makers, tobacconists, coach and carriage makers, comb makers, furriers, hatters, musical instrument makers, nail manufacturers, millers, organ builders, tanners; lawyers, notaries, doctors, physicians or surgeons, dentists, surveyors, architects, artists, miniature or portrait takers, collectors, accountants, bailiffs, and generally on all trades, manufactories, business, arts, professions, means of profit, livelihood or gain, whether hereinbefore enumerated or not, which now are, or may hereafter be, carried on, exercised, or in operation within the said city; and on all persons by whom the same are or may be carried on, exercised or put in operation therein, either on their own account or as agents for others; at the rate of thirty dollars for every four hundred dollars of the assessed yearly value of the premises occupied and used by any and every such person or firm of persons, for the purposes aforesaid, and at and after the same rate for every greater or less sum of such value as aforesaid: Provided that no person or firm of persons shall be subject to the rate or tax hereinbefore specified for any occupation or business otherwise subject to taxation under the present By-law, or for or on account of which the said person or firm of persons is *already* specially rated, taxed or assessed under this By-law.

Sec. 8. An annual duty, in addition to the rates or duties already imposed by law, upon every person or persons keeping a house or place of public entertainment, is hereby imposed upon, and shall be paid by every person or firm of persons keeping a house or place of public entertainment, or retailing spirituous liquors, within the said City, which said duty shall be levied upon, and be payable by, the said keepers of houses of public entertainment, or retailers of spirituous liquors, with reference to the assessed yearly value

Duty on tavern-keepers.

of the premises occupied and used by such person or firm of persons for the purposes aforesaid; and in proportion thereto, at the following rates:—The said duty to be so paid shall be rated at twenty-seven dollars when the assessed yearly value of the premises used by the person or firm of persons on whom the said duty is levied, shall not exceed one hundred and sixty dollars: at thirty-six dollars when such value as aforesaid shall exceed one hundred and sixty dollars, but shall not exceed two hundred and forty dollars; at forty-five dollars when such value as aforesaid shall exceed two hundred and forty dollars, but shall not exceed three hundred and twenty dollars; at fifty-six dollars and twenty-five cents when such value as aforesaid shall exceed three hundred and twenty dollars, but shall not exceed four hundred dollars; at sixty-seven dollars and fifty cents when such value as aforesaid shall exceed four hundred dollars, but shall not exceed five hundred dollars; at seventy-eight dollars and seventy-five cents when such value as aforesaid shall exceed five hundred dollars, but shall not exceed six hundred dollars; at ninety dollars when such value as aforesaid shall exceed six hundred dollars, but shall not exceed seven hundred dollars; at one hundred and one dollars and twenty-five cents when such value as aforesaid shall exceed seven hundred dollars, but shall not exceed eight hundred dollars; at one hundred and twelve dollars and fifty cents when such value as aforesaid shall exceed eight hundred dollars, but shall not exceed one thousand dollars; at one hundred and twenty-three dollars and seventy-five cents when such value as aforesaid shall exceed one thousand dollars, but shall not exceed twelve hundred dollars; at one hundred and thirty-five dollars when such value as aforesaid shall exceed twelve hundred dollars, but shall not exceed sixteen hundred dollars; at one hundred and fifty-seven dollars and fifty cents when such value as aforesaid shall exceed sixteen hundred dollars, but shall not exceed two thousand dollars; at one hundred and seventy-five dollars when such value as aforesaid shall exceed two thousand dollars, but shall not exceed two thousand four hundred dollars; and when such value as aforesaid shall exceed



two thousand four hundred dollars, an additional rate or duty of seventeen dollars and fifty cents shall be imposed for every four hundred dollars over the last mentioned amount.

Sec. 9. An annual duty is hereby imposed upon each <sup>Duty on auc-</sup> and every person being an Auctioneer in this City, or selling <sup>tioneers.</sup> or exposing to sale within the said City, at public auction, vendue or outcry any live stock, goods, bank or other stock, real estate, or any other kind of effects whatsoever, which said duty shall be separate, distinct from, and exclusive of any and every assessment rate or duty, as merchant trader or anything else whatsoever, to which such Auctioneer or person selling by auction, vendue or outcry, may be otherwise liable. The said duty shall be payable by each and every member or co-partner of a firm, who shall act as an Auctioneer in this City, that is, by each member or co-partner of a firm, who shall individually cry or sell by auction, in the same manner as by each individual who shall carry on the business of an Auctioneer wholly on his own and sole account; but all those members of any firm of Auctioneers in this City, who do not themselves cry or make sales by auction, shall not be liable to, but, on the contrary, shall be exempted from payment of said duty. <sup>Provided.</sup> Provided, however, that where any firm of Auctioneers, composed of two or more partners, have only one place of business or auction mart, in this City, and sell exclusively within said premises, auction mart, or place of business, and have no more than one sale at a time on or within said premises, then the said duty shall not be paid by each and every partner in the said firm, but by the firm only. The said duty shall be as follows :

Firstly,—The sum of one hundred and sixty dollars shall <sup>Amount of</sup> be paid annually by every Auctioneer selling exclusively <sup>duty.</sup> within the premises or auction mart, occupied by him as such Auctioneer, and not elsewhere in the said City.

Secondly,—The sum of two hundred dollars shall be paid <sup>ibid.</sup> annually by every Auctioneer who may have more than one place of business, or auction mart, in this City, or who may sell at others' places of business or premises.

When payable.

Sec. 10. The said duty shall be payable to the City Treasurer so soon as said Auctioneer shall be prepared to commence business as such in this City, and before having any sale by auction therein ; and the year for which said duty shall be paid and received, shall be computed and reckoned from said date of the party being prepared as aforesaid to begin business as such Auctioneer in this City, and not from any other or later period.

When clerks  
are employed  
to cry out.

Sec. 11. Every Auctioneer, before employing a Clerk or other person to cry or sell by auction for him, in his name or on his behalf, in this City, shall first furnish to, and record with, the Treasurer of the City, the name of the party to be employed, and shall pay an annual duty of Forty Dollars, for each and every person to be so employed.

No auctioneer  
to cry out  
unless he pays  
duty.

Sec. 12. No Auctioneer or other person shall himself cry or sell by auction in this City, nor permit any other person to cry or sell for him by auction in this City ; neither shall any person cry or sell in this City for, or in the name of, any Auctioneer or other person, unless the duties imposed by the ninth section shall have been first duly paid to the City Treasurer.

City Treasurer  
to furnish  
number, &c.

Sec. 13. Upon payment of the duties hereinbefore imposed on Auctioneers, the City Treasurer shall furnish a number to each and every Auctioneer paying said duties ; and no Auctioneer or person in his employ, or acting for him or on his behalf, shall sell or expose for sale by auction in this City, or permit or allow the same to be done, unless notice of the intention so to do be first given by the public exhibition of a flag at the place of such sale or exposure for sale, and at and during the whole period thereof, on which said flag, the number so to be given by the City Treasurer as aforesaid, shall be clearly and legibly visible.

Penalty.

Sec. 14. Any Auctioneer or other person offending against any of the provisions contained in the next preceding four sections shall be liable to a Fine not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each offence.

Sec. 15. An annual duty of Eight Hundred Dollars is hereby imposed upon each and every Gas Factory or Gas Company in the said City. Gas factories.

Sec. 16. An annual duty of Eighty Dollars shall be paid by every person or firm of persons carrying on the business or occupation of livery stable keeper, for the purpose of letting out horses or vehicles of travel, for hire or reward within the said City; and a further annual duty shall be paid by every such person or firm of persons, at the rate of Three Dollars for every two-wheeled vehicle or carriage, and at the rate of Four Dollars for every four-wheeled vehicle or carriage kept for the purposes aforesaid. Livery stable keepers.

Sec. 17. An annual duty shall be paid by every person and firm of persons, keeping a house or place of public entertainment within the said City, at the rate of Six Dollars for every two-wheeled vehicle, and at the rate of Eight Dollars for every four-wheeled vehicle kept by him or them, for the use, purpose, benefit or advantage of his, her or their customers, visitors or others, or any other than his, her or their own private and personal or family use. Duty on vehicles used by hotel keepers.

Sec. 18. An annual duty of Two Hundred Dollars shall be paid by every person exercising the business of pawnbroker within the said City; and any person who shall hereafter exercise the business of pawnbroker without having paid the said annual duty on the said first day of May, in each and every year, shall pay a forfeiture of Ten Dollars for each and every day such person shall offend against the provisions of this section. Pawnbrokers.

Sec. 19. An annual duty of Two Dollars and Fifty Cents shall be paid by the owner or keeper of each and every working horse or mare, owned or kept in the said City; and an annual duty of Six Dollars shall be paid by the owner or keeper of each and every pleasure horse or mare, owned or kept in the said City. And it is hereby further ordained and enacted, That all horses kept, and daily and constantly used and employed, in and about the work or labour, employment, occupation or business, by which the owner or owners thereof. Tax on horses.

earn, procure or obtain his, her or their support and maintenance, shall be considered working horses; and any, and all other horses or mares kept within the City, shall be considered as pleasure horses within the meaning of this section.

Duty on vehicles used for hire.

Sec. 20. An annual duty shall be paid by every person, not livery stable keeper or tavern keeper, keeping or having to let out for hire, any two-wheeled or four-wheeled vehicle in the said City, at the rate of Three Dollars for each two-wheeled vehicle, and at the rate of Four Dollars for each four-wheeled vehicle so kept.

Stage coaches, omnibuses, &c.

Sec. 21. An annual duty shall be paid by every person keeping or using any stage coach, omnibus or stage waggon, for the purpose of carrying passengers in the said City, at the rate of Eight Dollars for every such coach, omnibus or waggon, drawn by one or two horses; and at the rate of Twelve Dollars for every such coach, omnibus or waggon, drawn by four or more horses.

Penalty.

Sec. 22. Any person who shall keep or let out for hire, any two or four wheeled vehicle, or shall keep or run any stage coach, omnibus or stage waggon for the purpose of carrying passengers in the said City, without having paid the duty as in the two preceding sections prescribed, shall incur and pay a Fine of Four Dollars for each day they shall so offend.

Vehicles kept for pleasure.

Sec. 23. An annual duty shall be paid by every person residing in the said City, owning, keeping or using for pleasure, any carriage, caleche, cart, waggon or other vehicle of that description, at the rate of Twenty Dollars for every four wheeled close carriage, and at the rate of Twelve Dollars for every four wheeled half-covered carriage, drawn by two horses, and Ten Dollars if drawn by one horse; and at the rate of Eight Dollars for every double dennet, and at the rate of Six Dollars for every caleche, gig, or other vehicle, mounted on springs, and drawn by one horse; and at the rate of Eight Dollars for every waggon or other vehicle not above specified, adapted for draught by two or more horses, provided that in no case when both summer and winter vehicle, of a corresponding description are kept, shall the duty be

exacted on both ; but that in all cases where only summer or only winter vehicles are kept, the duty shall be payable thereon as if both summer and winter vehicles, of a corresponding description, were owned, kept or used.

Sec. 24. An annual duty shall be paid by every person Dogs. owing or keeping any dog or bitch in the said City, and the said duty shall likewise be paid by the occupier of any house or premises in the said City, wherein any dog or bitch is kept, sheltered or retained, or to which any dog or bitch habitually resorts ; the said duty is hereby regulated and established as follows : namely, at the rate of One Dollar and Fifty Cents, for each and every dog or bitch as aforesaid.

Sec. 25. A special duty shall be paid annually by every Pedlars. pedlar, hawker or petty chapman in the said City at the rate of twenty dollars if he uses a cart or other vehicle for purpose of his trade, and at the rate of Eight Dollars, if no cart or other vehicle is used for peddling his goods, wares, or merchandises ; and any person who shall hawk about any goods, wares or merchandise, or sell or offer for sale any goods, wares or merchandise in the said City without having paid the said duty, shall incur for each offence a Fine not exceeding Ten Dollars or an Imprisonment not exceeding Forty-eight hours.

Sec. 26. The proprietor of each and every Theatre in this Theatres. City shall pay an annual duty of One Hundred and Twenty Dollars over and above the assessment, on the yearly value of such building ; and no proprietor or proprietors of any theatre in the City, shall permit the same to be opened or any performance to take place therein, until the Manager or Managers of any Company or Companies, intending to open the said Theatre, or perform therein, shall have first asked and obtained leave from the Mayor of the said City so to do, under a penalty not exceeding Twenty Dollars for each and every offence.

Sec. 27. No person or persons shall open a circus or equestrian exhibition, or performance, in this City, or any caravan Circus exhibitions, &c. or train of caravans of wild beasts, or an exhibition or per-

formance of any kind whatsoever, either as itinerant players, showmen, Ethiopian, or other minstrels, or exhibitors of novelties, curiosities, wonderful animals, or any other matter or thing whatsoever, without having first previously obtained permission from the Mayor of the said City so to do; and without having first paid the Treasurer of the said City, the sum of One Hundred Dollars, as and for said permission (if granted); and without having also paid the said Treasurer the further sum of Twelve Dollars, for each and every day or night such performance or exhibition shall be opened to the public; provided that when the performance is of a minor character, or the exhibition of but little interest, it may be competent to the Mayor for the time being to reduce the aforesaid rates to any amount he may deem reasonable.

**Penalty.**

Sec. 28. All persons offending against any of the provisions of the next preceding section, shall incur a Penalty not exceeding Twenty Dollars; and be liable to an Imprisonment not exceeding Thirty Days, for each offence.

**Ferry boats.**

Sec. 29. An annual duty of Two Hundred Dollars shall be paid by the proprietor or proprietors of each and every steam ferry-boat or other steam-boat, plying for hire or for the conveyance of persons, by water, to the said City, from any part of the parishes of Laprairie de la Magdelaine and Longueuil, or from any wharf or wharves adjoining the shore of the said parishes; and the said duty shall be payable by the proprietor or proprietors of each and every such steam ferry-boat or other steam-boat, plying as aforesaid, on or before the twentieth day of May, in each and every year.

**Banks.**

Sec. 30. An annual duty of Four Hundred Dollars shall be paid on or before the first day of May in each and every year, by each and every person or firm of persons, body corporate, association or institution, being, forming, or constituting, a bank or bank agency, or doing or transacting banking business, or the business of any bank agency, in the said City, or being agents in the said City for any bank, banking house, firm, corporation, or association whatsoever.

Sec. 31. An annual duty of Two Hundred Dollars shall be paid by each and every Insurance Agent carrying on business as such or keeping an office for that purpose in the said City; and by each and every person carrying on business as Agent of any Insurance Company, or keeping an office as such in the said City. Insurance agents.

Sec. 32. An annual duty of One Hundred and Twenty Dollars shall be paid by each and every person or persons, carrying on the business of brokers and money changers, in the said City, or acting therein as the agents of any brokers and money changers. Brokers and money changers.

Sec. 33. An annual duty of Eighty Dollars is hereby imposed upon all brokers, money lenders, commission merchants and the agents of all such in this City, save and except money brokers or changers, upon whom another and separate rate or duty is already imposed, in and by the next preceding section of this By-law; and the duty imposed in and by this present section shall be payable by each and every person or firm of persons acting as brokers, money lenders, or commission merchants in this City, and by the agents of all such, as soon as they shall establish themselves, or assume to do business, in this City, as such brokers, money lenders or commission merchants, and annually thenceafter. Brokers and money lenders.

Sec. 34. An annual rate or duty of Four Hundred Dollars shall be paid by each Telegraph Company, or the proprietors, owners or persons in possession of all telegraphs in this City, conveying or transmitting intelligence, information or messages to or from this City by telegraph means. The said duty shall be payable and become due on the first day of May now next, by all Companies, firms or persons now having telegraphs in this City, and hereafter by all others so soon as they may be established, and annually thenceafter. Telegraph companies.

Sec. 35. Except as regards goods, merchandise, or effects, which are either the produce of the Province of Canada, or have been manufactured therein, no person shall hereafter sell any goods, merchandise, or effects whatever, or offer the same for sale in this City, by sample, card, or other specimen, Goods sold by sample.

for, or on account of, any merchant, manufacturer, or other person whomsoever, not having his principal place of business in this City, unless such person shall have been first duly licensed by the Treasurer of the said City so to do, under a Penalty not exceeding Twenty Dollars, and an Imprisonment not exceeding Thirty Days for each and every offence.

**Licenses for do.** Sec. 36. The City Treasurer is hereby authorized to grant licenses to all persons, not having their principal place of business in this city, desirous of selling goods or merchandise therein, by sample, card, or other specimen, and to the Agents and others in the employ of any and all such; the said licenses shall not be valid for any longer period than one year, from the date thereof; and the sum of Sixty Dollars shall be exacted and be payable for each and every such license.

**Distillers.** Sec. 37. An annual duty shall be paid by each and every person, or firm of persons, being Distillers, in the said City, at the rate of Eighty Dollars for every four hundred dollars of the assessed yearly value of the whole of the premises occupied and used by any and every such person or firm of persons for the purposes aforesaid, and at and after the same rate for every greater or less sum of such value as aforesaid.

**Brewers.** Sec. 38. An annual duty shall be paid by each and every person, or firm of persons, being Brewers, or Agents of Brewers, in the said City, at the rate of Sixty Dollars for every four hundred dollars of the assessed yearly value of the whole of the premises occupied and used by any and every such person or firm of persons, for the purposes aforesaid, and at and after the same rate for every greater or less sum of such value as aforesaid.

**Billiard tables, &c.** Sec. 39. An annual duty of One Hundred Dollars shall be paid by the occupant or occupants, proprietor or proprietors of each and every House of Public Entertainment, Hotel, Inn, Licensed Tavern, Public Boarding House, or any other place of public resort, entertainment, or amusement whatever, in the said City, for each and every Billiard Table,



Mississippi Board, Bagatelle Board, or any other Gambling Board with balls, which there now is or hereafter may be erected or kept in any such House of Public Entertainment, Hotel, Inn, or Licensed Tavern, Public Boarding House, or other place of public resort, entertainment, or amusement; and a like annual duty of One Hundred Dollars shall be paid by the occupant or proprietor of any house, apartment, or other place, in the said City, for each and every Billiard Table, Mississippi Board, Bagatelle Board, or any other Gambling Board with balls, which now is or may hereafter be erected or kept therein, at the instance of, or for the use of, any club, association, or number of subscribers, or for any person whomsoever, other than the said occupant of the said house, apartment or other place; and any occupant or proprietor as aforesaid, who shall set up, erect, or keep, or permit to be set up, erected, or kept, in any such House of Public Entertainment, Hotel, Inn, Licensed Tavern, Public Boarding House, or any other place of public resort, entertainment, or amusement whatever, or in any house, apartment, or place such as hereinbefore described, a Billiard Table, Mississippi Board, Bagatelle Board, or any other Gambling Board with balls, for which such duty shall not have been paid, shall forfeit and pay a sum not exceeding Twenty Dollars for each and every offence.

Sec. 40. Every Inn-Keeper, Hotel or Tavern-Keeper, or other person whatsoever who shall have in his house or premises any Billiard Table, Bagatelle, Mississippi or other Board used for gambling, subject to taxation under the provisions of the next preceding section, or who shall permit the same to be used for hire or lucre, shall, before the expiration of one month after such Table or Board shall be put up or used, *notify* the City Treasurer of such Billiard Table, Bagatelle, Mississippi or other Gambling Board, failing which the person neglecting to make such notification within such period shall incur a Penalty not exceeding Twenty Dollars.

Persons keep-  
ing Billiard  
Tables, &c., to  
notify City  
Treasurer.

Sec. 41. An annual duty of Fifty Dollars is hereby imposed upon each and every Ball Alley, Skittle Alley, or Nine or

Ball Alleys

Ten Pin Alley in the said City ; and the said duty shall be levied from, and be payable by the proprietor of each and every such Ball, Skittle, or Nine or Ten Pin Alley, or of the house, lot or premises on, or in which, the same may be situated or found, if the same be not paid by, or cannot be obtained or levied by reason of poverty, or evasion, or otherwise, from the occupant of the premises on which the said Ball, Skittle, or Nine or Ten Pin Alley may be situated, by whom the same is hereby declared to be due and payable in the first instance.

**Brick yards.**      Sec. 42. An annual duty of Forty Dollars is hereby imposed upon every Brick Yard, or place used for making Bricks in the said City, and the same shall be payable on the first day of May, in each and every year, by the owner of every such Brick Yard, or place for making Bricks.

**Horse dealers.**      Sec. 43. An annual duty of Ten Dollars is hereby imposed upon each and every person being Horse Dealer in the said City ; and upon payment of the said duty, the City Treasurer shall furnish a number to every such Horse Dealer.

**Penalty.**      Sec. 44. No person shall deal in Horses in the said City, unless such person shall have previously paid the said duty, and obtained from the City Treasurer a number as aforesaid, under the Penalty of a Fine not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days for each offence.

**Liability of tax-payers defined.**      Sec. 45. Every person liable to pay the annual duties hereinbefore mentioned and imposed, shall incur and be liable for, and shall pay the said annual duties respectively whether such person may continue and remain for a whole year, or for any shorter period, in the exercise and practice of such trade, business or profession, subject to duty as hereinbefore directed, and that the keeping of a Horse or Horses, or of any Carriage, Caleche, Cart, Gig, Waggon, or any vehicle of that description, for two months in the course of twelve calendar months, by any person or persons within the said City, shall be considered keeping a Horse or Horses, or Carriage, Caleche, Cart, Gig, Waggon, or any vehicle of

that description, within the meaning of this By-law, and shall subject the keepers or owners of the same to the duties hereinbefore directed and imposed respectively.

Sec. 46. All rates or duties imposed in and by this By-law, <sup>Rates and duties, when payable.</sup> the time of payment whereof is not provided for, are hereby declared to be due and payable on the first day of May in each and every year.

## CHAPTER VII.

### By-Law to Establish a Board of Health in the City of Montreal.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. A Board of Health is hereby established and constituted in and for the said City of Montreal. <sup>Board of Health established.</sup>

Sec. 2. The said Board of Health shall consist, at all times, of the Mayor of the City of Montreal for the time being, and of the Members of the Health and Police Committees of the City Council for the time being, and five of them shall at all times constitute a quorum to hold meetings and transact any business relating to public health. <sup>How constituted.</sup>

Sec. 3. Whenever it shall appear that the City of Montreal is threatened with any formidable epidemic, endemic, or contagious disease, it shall be competent to the City Council, by a resolution to that effect passed at any special or quarterly meeting of the Council, to temporarily increase the number of Members of the said Board of Health, and to appoint from time to time, and at all times as aforesaid, an additional number of persons, not less than nine nor exceeding eighteen citizens, inhabitants of the said City of Montreal, to be assistant members of the said Board of Health, for a period of time to be expressed in and limited by the resolution appointing them ; and during such period such persons so appointed <sup>To be increased in case of epidemic.</sup>

shall, to all intents and purposes, be and remain Members of the said Board, but shall cease to be Members thereof at the expiration of the said period, unless re-appointed.

Powers of  
Board.

Sec. 4. The said Board of Health is hereby empowered to adopt and enforce all sanitary measures, and all measures relating to the cleanliness of the said City; and the said Board and every member thereof shall have power to enter, at all hours in the day time, all Houses, Sheds, Yards, Vacant Lots, and Premises of any kind whatsoever in the said City of Montreal, and order the removal of any offensive matter found therein, and order such cleaning, draining, and purifying as may be deemed necessary for the protection of the public health, and also to enter any Boarding House and Lodging House, and command the removal of persons lodging therein, where the rooms are over-crowded or filthy, or unwholesome, for want of proper ventilation.

In case of  
pidemic.

Sec. 5. The said Board of Health, during the prevalence of any epidemic, endemic, or contagious disease, shall have also power and authority to prevent the entry into the said City of Montreal of all strangers or emigrants, and all baggage belonging to them, when the appearance of either indicates danger to the public health. To adopt measures for purifying, draining, and cleansing of all streets and premises in all ways that may be deemed requisite to preserve the health of the City, and to appoint such other Health Officers as may be deemed necessary for superintending or carrying out the orders of the said Board of Health, and to enforce the Rules, Regulations, and By-laws of the Council of the said City of Montreal relative to nuisances. To adopt prompt measures to prevent the spread of any epidemic or contagious disease, when it shall appear by a report of a Physician that any person within the City is afflicted with a disease of that character. To forbid and prevent all communication between any part of the City so infected, except by means of Physicians, Nurses, or Messengers, to carry the necessary advice, medicines, and provisions to the afflicted. To cause any avenue, street, or other passage, to be fenced or enclosed, and to adopt suitable measures for preventing persons from going to, or coming

from any part of the City so enclosed. To put itself in communication and in concert with the proper authorities or private institutions and individuals having charge of emigrants on their landing and passage through the Province, the Trinity House, the Harbour Commissioners, and the Board of Works, to establish a place of refuge, or Hospital, in or out of the limits of the City, for poor or sickly emigrants.

Sec. 6. The Mayor of the City shall, when present, preside at all meetings of the Board of Health, or, in his absence, the Chairman for the meeting shall be chosen from among the Members of the Health and Police Committees present.

Mayor to  
preside.

Sec. 7. Whenever from time to time the Statute of the Provincial Parliament, passed in the 12th year of the Reign of Her present Majesty Queen Victoria, being chapter the 8th, and intituled "An Act to make provision for the Preservation of the Public Health in certain emergencies," shall, by proclamation of the Governor of the Province, be declared to be in force; and whilst it shall so continue to be, so as to require the nomination and appointment for the City of Montreal of a Local Board of Health, the Board of Health hereby constituted shall become and be, and the several and respective Members thereof shall act as "The Local Board of Health for the City of Montreal," and shall carry out and enforce the directions and regulations of the Central Board of Health, and exercise all the powers of Health Officers conferred by that Statute on the Members of the Local Boards of Health.

Local Board  
of Health.

Sec. 8. Any person or persons disobeying the orders of the said Board of Health, or of any Member of the said Board, or refusing to comply with such orders, or opposing the same in any manner whatsoever, or preventing any Member of the said Board of Health from entering into any house, or on any premises, or assaulting them in the execution of the powers and duties imposed upon them, shall be liable and condemned to pay a Fine not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, or both punishments, according to the discretion of the Recorder's Court.

Penalty.

## CHAPTER VIII.

## By-Law in relation to the Manufacture and Sale of Bread.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Weight and  
quality of  
bread.

Mark indicative  
of weight, and  
initial letters of  
baker's name.

Penalty.

Confiscation.

Proviso.

Sec. 1. All Bread manufactured by the Bakers of this City for sale, shall be made of the weight and quality hereafter described, that is to say: the Brown Loaf shall be made of good wholesome wheaten flour, and be baked in loaves of six pounds avoirdupois weight each, or of half-loaves of three pounds avoirdupois weight each; the White Loaf shall be made of good sound fine wheaten flour, and shall be baked in loaves of four pounds avoirdupois weight each; or of half-loaves of two pounds avoirdupois weight each; and every loaf of such Bread shall be marked with the numbers indicating the weight of such loaf, and also with the initial letters of the name of the Baker or Bakers thereof. And if any Baker or other person, or company of persons, shall bake, expose, or offer for sale, in the said City, any Wheaten Loaves of less weight than such as hereinbefore described, or than what the said loaf or loaves purport to be, or that shall be made of unwholesome materials, calculated to defraud the public, or any loaf or loaves not marked as aforesaid, every such Baker or other person or Company so offending, shall incur and pay a Penalty not exceeding Twenty Dollars, or be liable to an Imprisonment not exceeding Thirty Days, or be liable to both fine and imprisonment aforesaid, for each offence, and shall moreover suffer the forfeiture and confiscation of all such Bread as shall be found of light weight, or of an inferior quality, or not marked as aforesaid: Provided always that such deficiency in the weight of such Bread shall be ascertained by the Inspector or Inspectors of Bread, to be appointed by the said

Council, by weighing or causing the same to be weighed in his or their presence, within eight hours after the same shall have been baked, sold, or exposed for sale: And provided Proviso. further, that whenever any allowance in the weight shall be claimed on account of any Bread having been baked, sold, or exposed for sale since more than eight hours as aforesaid, the burden of proof in respect to the time when the same shall have been baked, sold, or exposed for sale, shall devolve upon the Defendant or Baker of such Bread.

Sec. 2.\* It shall be lawful for the Council of the said City Council to appoint Inspectors of Bread. from time to time, as occasion may require, to appoint one or more fit person or persons to be Inspector or Inspectors of Bread; and it shall be the duty of the said Inspector or Inspectors, Their duties. and they are hereby authorized and required from time to time, not less than once in each month and whenever ordered so to do by the Mayor of the said City, at all seasonable hours, to enter into, and inspect and examine every Baker's shop, store, house, or other building where any Bread is or shall be baked, stored, or deposited, or offered for sale, and in the presence of at least one witness, to inspect, weigh, and examine all Bread found therein; and also to stop, detain, and examine in any part of the said City, any person or persons, or any waggons or other vehicles carrying any loaf or loaves for sale, and in the presence, as aforesaid, of at least one witness, to weigh the same, and determine whether the same are in violation of the true intent and meaning of the present By-law; and if the said Inspector or any one or more of the said Inspectors shall find any loaf or loaves of Bread deficient in weight or not conformable to the directions herein contained or any part of them, he or they shall immediately seize and confiscate the same for distribution to the poor.

Sec. 3. If any Baker or other person shall hinder, obstruct, Penalty for obstructing Inspectors of Bread in the execution of their duty. or prevent any Inspector or Inspectors of Bread, from making any examination authorized or required of him or them by this

\* By a Resolution of Council, of the 10th September, 1855, the Chief, Sub-Chiefs, and Sergeants of Police are appointed Inspectors of Bread.

By-law ; or shall hinder, obstruct or prevent any Inspector or Inspectors aforesaid, or any person aiding or assisting him or them, from stopping any waggon or other vehicle for carrying Bread ; or from seizing, taking and carrying away, and disposing of, according to law, any Bread found in the said City, not conformable to this By-law ; every person so offending shall forfeit and pay a Fine or Penalty not exceeding Twenty Dollars, or be liable to an Imprisonment not exceeding Thirty Days, or be liable to both fine and imprisonment, for each and every such offence.

## CHAPTER IX.

### By-Law concerning the Erection of Buildings.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. The Inspector of Buildings, appointed to enforce the laws relating to the construction of Buildings in this City, and for the prevention of accidents by fire, shall be termed *Inspector of Buildings*, and shall be under the direction of the Fire Committee.

Wooden  
buildings and  
shingled roofs  
prohibited.

Proviso.

Sec. 2. No person shall hereafter construct any Wooden Building, of any kind or description whatever, within the limits of the said City ; or cover wholly or in part any Building of any kind whatsoever, within the City limits, except as hereinafter provided, with shingles or wooden material of any kind whatsoever ; neither shall any person erect or construct, or attach to any Building, within the limits aforesaid, any gutter, conductor, or spout that is not effectually secured against fire. It may however be lawful to erect Buildings encased with brick work. Provided, however, that nothing in this law contained shall be construed in any manner to prevent the Council of this said City, in special cases,



and for special causes, to give permission to erect Buildings different from those specified in the next preceding section.

Sec. 3. No front, rear, or other wall of any such Dwelling-house, Store, Storehouse or other Building now erected, or hereafter to be erected, in the said City, shall be cut off or altered below, to be supported in any manner in whole or in part by wood, but shall be wholly supported by stone, brick, or iron, and no wood shall be used between such wall and such supporters.

Sec. 4. Every Building hereafter erected or constructed contrary to the provisions of the foregoing sections, shall be, and the same is hereby declared to be a public and common nuisance.

Wooden  
buildings  
a nuisance.

Sec. 5. No person shall repair, or cause to be repaired, any wooden or other roof of any brick or stone house or Building, or any spout, belonging or attached to any house or Building within this City, with any shingles, boards, planks, or other wooden materials whatsoever; or with any other than metal or incombustible materials.

Wooden roofs  
or spouts not to  
be repaired with  
shingles or  
boards.

Sec. 6. But whereas it has been shown to the satisfaction of the City Council, that the compositions for covering the roofs of Buildings, known and patented as "Warren's Prepared Fire and Water-proof Composition Roofing," and "Racicot and Laurent's prepared Fire and Water-proof Composition Roofing," are really and truly fire-proof, it may be lawful to construct board and plank roofs to Buildings within the limits of this City, and to cover the same with either of the said compositions: Provided, however, that the Inspector of Buildings shall be empowered to order the same to be removed and to be replaced with metal in case of roofs so covered which he shall decide to be defective and liable to damage by fire.

Certain com-  
positions for  
roofing per-  
mitted.

Proviso.

Sec. 7. If any Wooden Building shall require new roofing, it shall and may be lawful for the proprietor or proprietors thereof to raise the same for the purpose of making a flat roof, provided that such new roof shall be covered with metal

Wooden  
buildings may  
receive a new  
roof, &c.

or any of the articles sanctioned to be used in the next preceding section of this By-law, and provided such Building when so raised shall not exceed thirty-five feet in height to the highest part thereof from the curb level.

May be enlarged.

Sec. 8. No Wooden Building now erected shall be enlarged or built upon, unless such extension or addition be of fire-proof materials, nor shall any Wooden Building be removed from one lot to another.

Wooden sheds.

Sec. 9. No Wooden Shed shall be erected or permitted unless one whole side of the same shall be left entirely and constantly open, and provided also the same does not exceed twelve feet in height to the peak or highest part thereof from the level upon which it is placed. Nothing in this section or in this By-law shall be held or construed to prohibit the erection of any Piazza, Platform or Balcony, not to exceed ten feet in width on the level of the first story of any Building to which the same may be attached: provided that such Piazza, Platform or Balcony shall not extend more than three feet above the second floor of any such Building as aforesaid.

Piazza, balconies, &c.

Privies.

Sec. 10. All Privies not exceeding ten feet square and ten feet high shall, and all Ferry-houses may, be built and covered with wood, provided such Privies and Ferry-houses shall not be used for any other purpose than a Privy or Ferry-house.

Repairs to wooden buildings.

Sec. 11. Every Wooden Building, which may hereafter be damaged by fire to an amount less than one half of its value, may be repaired or rebuilt; but if such damage be greater than one-half such value thereof, then such Building shall not be repaired or rebuilt, but shall be taken down.

Damage, by whom ascertained.

Sec. 12. The amount and extent of such damage by fire or otherwise, mentioned in the last preceding section, shall be determined by the Inspector of Buildings, one Surveyor appointed by the Fire Insurance Company or Companies, if such Building be insured, and one by the owner, or owners of the property. But if such Building or Buildings be not insured, then the damage shall be determined by the said

Inspector, one person appointed by the owner or owners, and another expert chosen by the two former. In case the owner or owners shall refuse or neglect to appoint an expert for the purpose of estimating such damage, then it shall be lawful for the Recorder to appoint such expert.

Sec. 13. No person or persons shall hereafter construct in any House or Building covered with shingles, or wood, within the said City, any Chimney or Chimneys which shall be elevated less than three feet six inches above the ridge-pole thereof, or shall construct in any house covered with metal, slate, or tile, any Chimney or Chimneys which shall be so elevated less than two feet, or shall construct such Chimney or Chimneys so obliquely as to prevent it or them being easily swept, or shall construct any vent or vents or sweep opening in such Chimney or Chimneys of less area than one hundred and forty-four inches each, or shall fail to have the joints of the bricks, when such material is employed, smoothly pointed or drawn, the bricks also to be well laid in mortar, and grouted with liquid mortar.

Construction of chimneys.

Sec. 14. No person shall hereafter construct, or permit to be constructed, in his, or her house, in the said City, any Chimney of brick, the sides of which shall be of less thickness than eight inches, within such Building, and the area of the flue thereof less than one hundred and forty-four inches, or without having a good and proper stone foundation; neither shall any person pass a stove-pipe through the top or sides of any Wooden-house, Out-house, Fence, or any Building whatsoever, owned or occupied by such person in the said City.

Brick chimneys, &c.

Stove-pipe through roof.

Sec. 15. Any proprietor or proprietors of any House or Building within the said City, who shall neglect or refuse to maintain the Chimney or Chimneys of such House or Building in good condition, or to repair the same when required by the Inspector aforesaid, or fail to cause the removal of any obstruction or obstructions in the said Chimney or Chimneys, preventing the same from being well and easily swept, or who shall permit more than two pipes to terminate in the same Chimney in each story of such House or Building, or who shall

Chimneys to be kept in order, &c.

allow a stove-pipe to terminate in any other place than in a Chimney, shall incur and pay the penalties hereinafter provided.

Chimneys  
without fire-  
places.

Sec. 16. The proprietor or proprietors of any House or Building within the said City, having any Chimney or Chimneys with no fire-place or fire-places thereto, shall cause to be made into such Chimney or Chimneys such opening or openings, securely guarded by iron doors and frames, as shall admit the said Chimney or Chimneys to be easily swept: said iron doors to be at least twelve inches square.

Ladders to  
chimneys.

Sec. 17. All Ladders to Chimneys in the said City shall hereafter be well secured and fastened to the same by iron hooks, and shall not extend higher than within six inches from the tops of such Chimneys; and the tops of Chimneys, if composed of brick, or more than one stone, shall be hooped with iron.

Ladders on  
buildings.

Sec. 18. It shall be the duty of the proprietor, or in case the proprietor is absent, of the occupant or any person having the care of any House or Building in the said City to have and maintain on such House or Building, a sufficient number of ladders, and to have the same repaired or renewed when required by the said Inspector.

Gable ends  
of houses.

Sec. 19. The gable ends of all houses to be hereafter built in the said City, shall be elevated at least two feet above the roof thereof, and the coping or covering of such gables shall be made of stone or covered with metal.

Placing of  
hearth-stones.

Sec. 20. No person shall hereafter lay, or permit to be laid or placed in any wooden floor, any hearth brick or stone which shall not rest upon brick or stone underneath to its whole extent, not less than three inches in thickness, and which shall not be well bedded in mortar, and grouted so as to fill all the spaces, said brick or stone hearth to be eight inches longer at each end than the fire place, and sixteen inches in width from the face of the Chimney.

Buildings  
adjoining  
streets to  
have spouts.

Sec. 21. All proprietors of Houses or Buildings adjoining any public square, street, lane, or highway within the said City, shall have and maintain to such Houses or Buildings,

tight covered spouts, by which the water from the roofs of such Houses or Buildings may be conveyed to within a distance of not greater than twelve inches from the footpath or sidewalk: Provided always, that in case of the absence of <sup>Proviso.</sup> such proprietors, the occupants shall be held responsible in the premises, for each offence against the provisions of this section.

Sec. 22. No person shall hereafter use or employ any <sup>Wooden beams or supporters.</sup> wooden beam or post of any kind or description whatever, or cause the same to be used or employed to permanently sustain, uphold or support any brick or stone wall of any house within the said City, unless said beam or post shall be made of ash, oak, or elm, and be at least twelve inches square.

Sec. 23. No person shall hereafter build or enter, or <sup>Beams in walls.</sup> permit to be built or entered, any beam or joist into any wall in his, her, or their House or Building, in the said City, nearer than eight inches to any flue or fire-place in such wall, and all such beams or joists shall be entered into trimmers, framed so as to be at least one inch clear of all Chimneys and flues. All beams and other timbers in the party wall of every such Dwelling-house, Store, Store-house or other Building hereafter to be erected or built as aforesaid, shall be separated from the beam or timber entering in the opposite side of the wall by at least four inches of solid mason work. No person shall <sup>Stoves;</sup> place any stove for burning wood into any partition in the said house, without leaving nine inches clear from any wood work immediately above such stove, and seven inches clear from any wood work opposite the sides of the same; and all stoves, whether to burn wood or coal, shall be placed upon metal plates, or pans projecting at least eighteen inches beyond the door of said stove.

Sec. 24. No person shall place any stove for burning coal <sup>Coal stoves.</sup> in any partition in the said house without leaving eighteen inches of clear space on all sides, unless said partition shall be protected by tin plate, nor shall any coal stove be placed nearer to any wooden partition or wood work of any kind than two feet, unless said wood work shall be protected by a screen of tin plate.

Scuttles on  
roofs.

Sec. 25. Any proprietor of any House, Store, or other Building within the said City, more than one story high, who shall neglect to have and maintain an aperture, scuttle, or dormer window of not less dimensions than four hundred and thirty-two inches in area, on the roof thereof, with a ladder or steps thereto, or shall refuse to construct such scuttle or stairs within two weeks after being notified so to do by the said Inspector, shall incur and pay the penalty hereinafter provided.

Partition walls.

Sec. 26. Every Building, except a private dwelling, over thirty and under fifty feet in width, shall have at least one brick or stone wall running from front to rear; or if over fifty feet and under seventy-five feet width, shall have two partition walls as above; or if over seventy feet and under one hundred feet, shall have three partition walls as above.

Imperfections  
in the construc-  
tion of houses.

Sec. 27. In all other cases not hereinbefore specified, wherever the said Inspector shall detect any imperfection, improper construction, or defect in any House or Building within the said City, from which imperfection, improper construction, or defect there may apparently be danger from fire, the proprietor of such House or Building shall repair or remedy the same, within a reasonable time after being notified so to do by the said Inspector. Provided always, that in case of the absence of such proprietor, the occupant, or any person having the care of such House or Building, shall be held responsible for each offence against the provisions of this section.

Prohibition  
extended to  
repairs.

Sec. 28. The same prohibitions and conditions which are hereby enacted as applicable to new Buildings, shall be held to apply also to the repairs of Buildings already erected.

Inspector may  
enter buildings,  
&c.

Sec. 29. The Inspector of Buildings shall have the right to enter all Buildings and premises on all lawful days, and during reasonable hours, for the purpose of performing the duties appertaining to his office.

Scaffolds  
how to be  
constructed.

Sec. 30. All Scaffolds erected in this City for use in the erection or repair of stone, brick, or other Buildings, shall be well and safely supported, and of sufficient width, and properly secured, so as to insure the safety of persons working

thereon, or passing under or by the same, against the falling thereof, or of such materials as may be used, placed, or deposited thereon; and any person who shall erect, or use, or cause to be erected or used any Scaffold contrary to the provisions hereof, shall be subject to the penalty hereinafter provided for.

Sec. 31. It shall be the duty of the Inspector of Buildings to require, by a written or printed notice, that all dilapidated or ruinous Walls, Chimneys, or Buildings, that may endanger the public safety, be pulled down, demolished, and removed by the owner or party in possession or having charge thereof, within a reasonable delay, varying according to the circumstances of each case, and to be specified in the said notice; and every person on whom such notice shall be served, shall forthwith obey and comply with the requirements thereof.

Dilapidated walls, &c., to be pulled down.

Sec. 32. When the person on whom notice shall have been served as aforesaid, shall refuse, or neglect to obey, or comply with the requirements thereof, it shall be lawful for the said Inspector, at the expense of the party notified, to pull down, demolish, and remove, or to cause to be pulled down, demolished, and removed, all such dilapidated or ruinous Walls, Chimneys, or Buildings as may be specified or referred to in the said notice, and that may endanger the public safety; provided, however, that such pulling down, demolition, and removal of the said Walls, Chimneys, or Buildings by the said Inspector, shall not exempt the party on whom notice shall have been served as aforesaid, from the hereinafter imposed penalty.

At whose expense.

Sec. 33. The expense of pulling down, demolishing, and removing any such dilapidated or ruinous Walls, Chimneys, and Buildings, whensoever incurred by the said Inspector, may be recovered with costs in the Recorder's Court, from the owner, or the person in possession or having charge of the said dilapidated or ruinous Walls, Chimneys, or Buildings, refusing or neglecting to pull down or demolish the same as aforesaid.

Sec. 34. Whereas serious accidents have occurred, and much danger may be apprehended from the want of proper

Public buildings to be provided with

means for the  
safe egress of  
assemblies in  
case of accident.

precautions being taken to prevent the loss of life by fire in Public Halls, Churches, or other Buildings wherein large assemblies usually gather : Be it therefore enacted, that no Lecture Hall, Theatre, Concert or Ball Room, Church, or other like Building in the said City, shall be used for the convening of assemblies of more than one hundred persons, unless the same be so constructed as to offer adequate means for the safe egress of such assemblies, in case of any accident by fire, and unless the proprietor or party in charge of the above mentioned Buildings shall have obtained a certificate to that effect from the Inspector of Buildings : Provided that in all cases the entrance doors to such Lecture Halls, Theatres, Concert or Ball Rooms, Churches, or other Buildings shall be of adequate dimensions, and so made and affixed as to open exteriorly.

Proviso.

Duty of Inspectors of Buildings.

Sec. 35. It shall be the duty of the Inspector of Buildings to examine each and every Lecture Hall, Theatre, Concert or Ball Room, Church, or other Building as aforesaid, and to notify the owner or person in charge of the same by a written or printed notice to comply with the provisions of the next preceding section of this By-law, within a reasonable delay, not to exceed however thirty days ; and any such owner or person in charge of the said Buildings who shall refuse or neglect to comply with such provisions, within the delay aforesaid, shall be liable to the following penalty.

Penalty.

Sec. 36. Any owner, builder, or other person who shall own, build, or aid in the erection of any Building or part of Building within this City, contrary to, or in any other manner than authorised by the provisions of this article shall be subject to a Fine of not less than Twenty Dollars, or an Imprisonment not exceeding Thirty Days for the first offence, and to like fine or imprisonment for every forty-eight hours such person shall fail to comply with the provisions of this By-law, or continue in the violation thereof. If any person shall violate any other provision of this By-law, he shall be subject to the like fine or imprisonment.



## CHAPTER X.

## By-Law concerning Burials.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. No person shall dig or open any grave, or cause any grave to be dug or opened, in any Burying Ground, Cemetery, or Church Yard, or in any other part or place in the said City ; or shall inter or deposit, or cause or procure to be interred or deposited, in any such grave, or in any vault or tomb, any dead body, within the said City, under a Penalty not exceeding Twenty Dollars and an Imprisonment not exceeding Thirty Days, for each and every offence ; and a further Penalty not exceeding Twenty Dollars, and a further Imprisonment not exceeding Thirty Days for each and every day (if sued for daily) that any such grave shall remain dug or opened, or any such dead body shall remain interred or deposited in any such grave, vault, or tomb. Intramural interments prohibited. Provided, however, that nothing Penalty. herein contained shall prevent the interment in Roman Catholic Churches in this said City, of the bodies of Priests or Nuns of the said Roman Catholic faith. Proviso.

Sec. 2. The Superintendent, Beadle, or other person or persons having charge of any vault or Burying Ground in or near the said City, shall, between the hours of nine of the clock in the forenoon, and noon, of Saturday in each week, make and deliver in the office of the Chief of Police, of the said City, a return of the persons buried in such vault or Burying Ground, during the said week, in the form contained in the Schedule A, hereunto annexed, under a Penalty not exceeding Twenty Dollars, and an Imprisonment not exceeding Thirty Days for each and every refusal, neglect or omission so to do. Beadles to make weekly returns.

Duty of Chief  
of Police.

Sec. 3. It shall be the duty of the Chief of Police to enter or cause to be entered the returns mentioned in the preceding Section, in a book, to be kept by him for the purpose, and on or before the hour of four of the clock in the afternoon of Saturday in each week, to make out and deliver to the City Clerk of the said City a general return of all the persons buried within the limits of the said City, during the said week, with all the particulars furnished to him in the several returns received by him from the Superintendents, Beadles, or other persons in charge of the several vaults and Burying Grounds in or near the City, and also, to furnish the Clerks, Superintendents and other persons in charge of vaults or Burying Grounds with a sufficient supply of the forms in the annexed Schedule.

Beadle to be  
furnished with  
certificate of  
name, age, &c.,  
of deceased.

Sec. 4. No Sexton, or other person having charge of any place of interment in or near the said City, shall, under a Penalty not exceeding Twenty Dollars, inter or permit to be interred any dead body therein, without having received a certificate stating the name, apparent age, birth place, date and place of death, and the disease of which he or she shall have died, signed by the attending Physician, which certificate the said Physician shall be bound to deliver under a Penalty of Twenty Dollars; or in case no Physician shall have attended such deceased, then by some of the family of the deceased; and, in case such person cannot write or sign his name, such person may append his mark to such certificate in presence of two witnesses; and in case of an inquest having been held, the certificate shall be signed by the Coroner; and the said certificate shall be deposited, with the return, in the office of the Chief of Police, and the said certificate may be in the form specified in Schedule B hereunto annexed.



## CHAPTER XI.

## By-Law to Establish and Regulate the City Passenger Railway.\*

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Preamble.

Certain Com-  
pany authorized  
to lay track, &c.

Sec. 1. Whereas William Molson, Sir George Simpson, William Dow, John Molson, Charles S. Pierce, John Ostell, Thomas Ryan, William McDonald, and John Carter, have prayed by their petition to the said Council, to be allowed to build and locate, in certain streets of the said City, a line of Railway with a view of running thereon Railway Cars, drawn by horses, for the conveyance of persons in the said City, subject to such By-laws and Regulations as may be made for that object by the said Council ; and whereas it is deemed expedient and in the interest of the City that the prayer of the said petition be granted : The said William Molson, Sir George Simpson, William Dow, John Molson, Charles S. Pierce, John Ostell, Thomas Ryan, William McDonald, and John Carter, so soon as they shall have formed and constituted themselves into a Company under the name of "The Montreal City Passenger Railway Company," and all other persons who may become subscribers to, or shareholders in the said Company shall be, and they are hereby empowered to build and establish, subject to the conditions hereinafter mentioned, a line of Railway for the conveyance of passengers from one point of the City to another, within the said City, by means of Railway Cars drawn by horses

\* Passed by the Council on the 12th September, 1860.

through the following streets, which are, for that object, divided into four distinct and separate Districts, as follows, Road divided into Districts.  
viz :

*First District.*—Commencing at the City limit, St. Mary Street; thence along St. Mary, Notre Dame and St. Joseph, to Seigneurs Street; thence through Seigneurs to St. Antoine Street, and back through St. Antoine and Craig Streets to Papineau Square, to the intersection of the track on St. Mary Street.

*Second District.*—Commencing at Papineau Road; along St. Catherine to Mountain Street, and down Mountain to St. Antoine Street; thence through St. Antoine and Craig Streets to the place of beginning, with lines in St. Denis, St. Lawrence Main, and Bleury Streets, and from Notre Dame Street through the Place d'Armes, Great St. James Street, and Commissioners Square to Craig Street.

*Third District.*—Commencing at Papineau Road; thence along Dorchester Street West to the City limit; thence up any street that may be adopted to Sherbrooke Street, returning along Sherbrooke and St. Denis Streets to the intersection with the former District.

*Fourth District.*—Wellington, McGill and McCord Streets to the intersections with Districts One and Two.

Sec. 2. Each of the four Districts shall have railway connections, one with the other, so as to enable passengers to be conveyed direct from one District to another. District connections.

Sec. 3. It shall also be lawful for the said Company to connect the said Districts with the Railway Station now established in St. Bonaventure Street, by crossing Chaboillez Square. Connection with St. Bonaventure street Station.

Sec. 4. A single track only shall be allowed in each of the said streets, with all necessary sidings, turnants and appurtenances. Track to be single.

Sec. 5. The Railway track to be laid in No. One District shall be completed and opened to the public on the first day Districts, when to be completed.

of June, one thousand eight hundred and sixty-two; that in No. Two and Four Districts, on the first day of June, eighteen hundred and sixty-four; that in No. Three District, on the first day of June, eighteen hundred and sixty-six.

Manner in which works shall be done.

Sec. 6. All the works necessary for constructing and laying down the said several Railway tracks shall be made in a substantial manner and according to the rules of art, under the supervision of the City Surveyor and to the satisfaction of the Road Committee of the said City.

Company bound to keep certain portion of the road-way in order.

Sec. 7. The roadway between and within at least three feet from and outside of each rail, shall be paved, macadamized, and kept constantly in good repair by the said Company; the said Company shall also be bound to construct and keep in good repair good stone crossings, within the limits aforesaid, at the intersection of every such Railway track and cross streets.

To conform to grades of streets.

Sec. 8. The said Company, in the construction of the said Railway track, shall conform to the grades of the various streets through which the said track will run, as furnished by the City Surveyor, and shall not in any way change or alter the same.

Plans to be submitted to Road Committee.

Sec. 9: The location of the track of the said line of Railway, in any of the said streets, shall not be made until the plans thereof, shewing the position of the rails and other works to be done by the Company in each street, shall have been submitted to and approved of by the Road Committee and the City Surveyor.

Certain powers reserved by Council.

Sec. 10. The said Council shall have the right to take up the streets traversed by the rails, either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, or for all other purposes within the province and privileges of the said Council, without the said Company being entitled to any compensation or damage therefor.

Quality of the rail and form of the cars.

Sec. 11. The rail to be employed for the construction of the said Railway shall be the flat rail, such as that now in use

in the City of Philadelphia, with such modifications as the Road Committee may decide to adopt; and the Cars shall be constructed in the most modern style, subject to the approval of the Road Committee.

Sec. 12. No such Railway shall be opened to the public and put in operation until the sanction of the said Council shall have been previously obtained by means of a special resolution to that effect. And such sanction shall only be granted upon a certificate from the City Surveyor, or upon a Report from the Road Committee declaring the said road to be in good condition and constructed conformably to the conditions prescribed by the present By-law.

Proceedings to be adopted before the railway is opened to the public.

Sec. 13. Each Car employed by the said Company shall be numbered, and none shall be used unless the said Company obtain a license for that purpose; for which said license the said Company shall pay the annual sum of Twenty Dollars.

Cars to be numbered and licensed.  
Fee.

Sec. 14. Every day—from six o'clock A. M. to eight o'clock P. M.—a Car shall run through District Number One at intervals of fifteen minutes; and from eight to ten o'clock P. M. at intervals of thirty minutes; and through the other Districts from six o'clock A. M. to ten o'clock P. M. at intervals of thirty minutes.

Time of running.

Sec. 15. The speed of the Cars shall never exceed six miles an hour, nor be faster than a walk at the turning of corners.

Speed of cars.

Sec. 16. No Car shall be allowed to stop on a cross walk, nor in front of an intersecting street, except to avoid collisions or accidents.

Stoppage of the cars regulated.

Sec. 17. No Car shall stop near any intersecting street unless it has completely passed by the space in front of the said street.

Ibid.

Sec. 18. No Car shall stop on the street longer than is necessary to allow passengers to leave or enter the same with all possible dispatch.

Ibid.

Sec. 19. No person shall be allowed to enter or leave the Cars unless the Cars be at full stop.

Ibid.

Names of the streets to be announced.

Sec. 20. The Conductors shall announce to the passengers the names of the streets and public squares as the Car reaches them.

Conductors to avoid accidents.

Sec. 21. The Conductors shall keep a vigilant watch to avoid all manner of accident, and stop the Cars whenever they shall perceive on the track or moving in the direction of the track any persons, cattle, vehicles or other obstructions likely to cause an accident.

Cars to be used for passengers only.

Sec. 22. The Cars shall be used exclusively for the conveyance of passengers.

Sleighs to be provided for in winter.

Sec. 23. When the accumulation of snow or ice on the roadway shall be such as to prevent the Cars from running with safety, the Company shall not be permitted to have it removed, but they shall have the passengers conveyed by means of suitable and comfortable sleighs, to be driven in each district every thirty minutes between seven o'clock A. M. and ten o'clock P. M.

Charges,

Sec. 24. The said Company shall not have a right to charge more than the following rates for the conveyance of passengers on their line, viz.:

For the conveyance of a passenger from one point to another in any one District—Five cents.

For the conveyance of a passenger over two Districts—Six cents.

For the conveyance of a passenger over three Districts—Eight cents.

For the conveyance of a passenger over four Districts—Ten cents.

Company liable for damages.

Sec. 25. The said Company shall be liable for all damages arising either from the construction of the said Railway, or from the works they shall cause to be done in the streets, or from the manner the cars or sleighs used by them shall be run or driven, or from the obstacles or obstructions they may cause in the streets, or from their violation of any one of the conditions imposed by the present By-law, or from any other cause whatsoever; the said Company shall moreover guarantee and indemnify the said Corporation



against any amount which the latter may have to pay on account of such damage or of any costs deriving therefrom.

Sec. 26. Should the said Company neglect to keep the track or the roadway or crossings between and on each side of the rails, in good condition or to have the repairs made thereon, that may be considered by the Road Committee to be necessary, the Road Committee shall in that case, order such repairs to be made forthwith by the Company; and if the Company fail in complying with such order, the said Committee shall cause the said repairs to be made at the cost of the said Company, and the amount so expended may be recovered against the said Company in any Court having jurisdiction in the premises.

What if Company neglect to keep road-way in order.

Sec. 27. The privilege granted by the present By-law to the Company to be formed and established as aforesaid, shall extend over a period of forty years from this date; but at the expiration of twenty years the said Corporation may, after a notice of six months to the said Company to be given within the twelve months immediately following the expiration of the said twenty years, assume the ownership of the said Railway, and of all real or personal property in connection with the working thereof, on payment of their value, to be determined by arbitration, together with an additional ten per cent. thereon; and in case the Corporation should fail in exercising the right granted to them of assuming the ownership of the said Railway at the expiration of twenty years as aforesaid, the Corporation may at the expiration of every five years to elapse after the first twenty years, exercise the same right of assuming the ownership of the said Railway and of all real or personal estate thereunto appertaining, after one year's notice to the said Company, to be given within the twelve months immediately following the expiration of every fifth year as aforesaid, and on payment of their value, to be determined by arbitration, together with an additional ten per cent. thereon.

Extent of privilege granted to the Company.

Sec. 28. Should the said Company at any time give up the Railway, or cease to exercise the privilege hereby granted

Rails to be removed, if Company give up the railway.

to them, they shall be bound to remove the rails after three months' notice from the Corporation, and to have the streets traversed by the rails put in good repair and condition.

The Council may, in certain cases, revoke the privilege.

Sec. 29. If the said Company fail in the execution of any one of the conditions or obligations imposed by the present By-law, and especially if they fail to complete the said Railway within the time stipulated for each of the Districts aforesaid, the said Council may revoke and annul the privilege granted to the said Company, by passing a resolution to that effect, and without the necessity of a recourse to the Courts of Justice.

Notarial agreement provided for.

Sec. 30. The present By-law shall only come into force after an agreement, based upon the conditions and provisions herein stipulated, shall have been entered into and executed by Notarial deed, between the said Company and the said Corporation, represented by the Mayor, who is hereby authorized to sign such deed of agreement.

## CHAPTER XII.

### By-Law to regulate the Sale and Measurement of Coal.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Anthracite coal to be sold by weight.

Sec. 1. All Anthracite Coal which shall hereafter be sold in this City, shall be sold by weight; and the ton of two thousand pounds avoirdupois weight, with its parts and proportions, shall be held as the weight by which the same shall in all cases (except by cargo) be sold.

Ibid.

Sec. 2. On or before the delivery of such Coal, so sold, it shall be the duty of the seller thereof, unless otherwise mutually agreed upon, to cause the same to be weighed by one

of the public weighers hereinafter designated, and a certificate of the weight thereof, signed by the weigher, shall be delivered to the buyer, or his agent, at the time of the delivery of such coal; a duplicate of which certificate shall also be delivered to the seller, or his agent, if required.

Certificate of weight.

Sec. 3. No person engaged in the business of selling Coal shall act as a weigher under the preceding section.

Sellers of coal not to act as weighers.

Sec. 4. Any person who shall offend against the provisions of either of the foregoing sections of this By-law, shall for each and every offence, be liable to a Fine not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, or to both.

Penalty.

Sec. 5. The Clerks of the several Public Markets in this City, with the exception of the Bonsecours and St. Lawrence Markets, shall be, and they are hereby authorized to act as weighers of such Coal, and to receive, on behalf of the said Council, the fees hereinafter mentioned.

Who shall act as weighers.

Sec. 6. The following shall be the fees which the said weighers shall be entitled to receive for the weighing of Coal as aforesaid, viz :

Fees for weighing coal.

For every load of Coal, not exceeding fifteen hundred pounds in weight, Five cents.

For every load of Coal, exceeding fifteen hundred pounds in weight, Ten cents, which said fees shall include the certificate (in duplicate) of the weight of such Coal, and shall be paid by the seller thereof; and the said certificate shall contain the gross weight, the tare and the number of the vehicle in which the same was weighed.

Sec. 7. The said weighers shall submit to the City Clerk quarterly reports of their doings, in which shall be stated the number of tons and fractions of tons of coal weighed by them respectively, together with the amount of fees received, of which fees they shall make weekly returns to the City Treasurer.

Weighers shall submit reports, &c.

## CHAPTER XIII.

## By-Law concerning Dogs.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

No dog to go at large unless duty thereon is paid.

Sec. 1. No Dog shall be permitted to go at large or loose, in any street, lane, alley, or court, or any unenclosed or public place in this City, unless the owner or keeper of such Dog, or the head of the family or keeper of the house where such Dog is kept or harboured, shall have paid the City Treasurer the annual duty imposed upon, and for, each and every such Dog, nor unless such owner or keeper of such Dog, or the head of the family or keeper of the house where such Dog is kept or harboured, shall also cause a collar to be constantly worn by such Dog, having the Christian and surname of the owner of the said Dog legibly written, stamped, or engraved thereon; and in case any Dog shall be found loose, or going at large as aforesaid, contrary to the provisions of this By-law, the owner or keeper thereof, or the head of the family or keeper of the house, where such Dog is kept or harboured, shall, for each and every offence, forfeit and pay a Fine or Penalty not exceeding Twenty Dollars, and be liable to imprisonment till the fine imposed be paid; provided that the said imprisonment do not, in any case, exceed Thirty Days.

Dogs to be furnished with collar.

Persons whose dogs are complained of to be proceeded against.

Sec. 2. On complaint being made to the Mayor of this said City, of any Dog within this said City, which shall, by barking, biting, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the Mayor, on such complaint, shall issue, or cause to be issued, notice thereof to the person keeping or permitting such Dog to be kept, or to the owner thereof; and in case such person or owner shall, for the space of three days after such notice,

neglect to cause such Dog to be removed and kept beyond the limits of the City, or to be destroyed, he shall, for each and every day which shall elapse, until such Dog shall be removed or destroyed, as aforesaid, (if sued for delay,) forfeit and pay a Fine or Penalty not exceeding Twenty Dollars, and be liable to imprisonment till such fine be paid; provided, however, that the said imprisonment do not, in any case, exceed Thirty Days; and, provided also, that the Recorder's Court, before which such complaint shall be heard and tried, shall be satisfied that such Dog had, in manner aforesaid, disturbed the quiet of any person or persons in the said City.

Sec. 3. If any person after being convicted under the provisions of the second Section of this By-law, shall still neglect or refuse to destroy his Dog, on being ordered so to do, or if any Dog, of which no owner or keeper shall be discovered, or whose owner or keeper shall refuse or neglect to pay to the City Treasurer the annual duty imposed upon and for him, shall be found going at large contrary to the provisions of this By-law, it shall be the duty of the Chief of Police to cause such Dog to be destroyed. Chief of Police to destroy dogs in certain cases.

Sec. 4. Whenever information may be given to the Mayor of the City that a mad Dog has been seen running at large in any part of the said City, or in any part of the parish of Montreal, or whenever it shall appear to the said Mayor that there is reason to apprehend danger to the safety of the citizens, from mad Dogs; it shall be lawful for the said Mayor, and he is hereby authorized to give public notice, enjoining all persons in the said City of Montreal to confine their Dogs, or muzzle them in such a manner, as that they shall be totally unable to bite; and that, during a space of time, which shall not exceed two calendar months, to be computed from the date of the publication of said notice; and the said notice shall mention the time at which the confinement or muzzling of the said Dogs shall cease. Mad dogs.

Sec. 5. It shall be the duty of the Chief of Police to cause to be destroyed all Dogs that may be found running at large, or wandering in any part of the said City, not muzzled Dogs found unmuzzled to be destroyed.

in the manner required by the preceding section of this By-law, after the publication of the said notice, and while the said notice shall continue in force ; and each and every owner, master, or person in charge of, or that usually harbours any Dog which shall be found running at large, or wandering in any part of the said City, without being muzzled in the manner aforesaid, after such notice shall have been published and while the said notice shall continue in force, shall be liable to a Penalty not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each and every offence.

#### CHAPTER XIV.

### By-Law in relation to Ferries.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Ferryman to  
take out a li-  
cense.

Sec. 1. No person shall hereafter ply as a Ferryman, to the City of Montreal, from any place on the Eastern or opposite side of the River St. Lawrence, within nine miles of the said City, nor shall any person for hire, ferry or pass over any person, animal, or thing of any kind whatsoever, to the said City, from any place on the said Eastern or opposite side of the river, within nine miles of the said City, without having first obtained a License from the Council of the said City, under the signature of the City Clerk : Provided that nothing herein contained shall apply to steamboats plying from Laprairie or Longueuil to this City.

Licenses to be  
renewed every  
year.

Sec. 2. All persons obtaining licenses as aforesaid, shall be required to renew them annually between the first and the fifth days of the month of May in each year ; and the neglect so to do, shall be regarded as an abandonment of said licenses and of the occupation of Ferrymen.

Sec. 3. All licenses to be issued as aforesaid, for Ferries, shall be in force until the first day of May next, after the date thereof, respectively, and no longer. License to run until first May.

Sec. 4. Every person obtaining a license as aforesaid, to ferry to the said City of Montreal, shall keep in his service, at least three able men, one Canoe and one Bateau, two Setting Poles, two Oars, and one Paddle, for each Canoe ; and four Oars and one large Paddle for each Bateau ; he shall be held to ferry over day or night, without distinction or partiality, and in the order in which they may arrive at the Ferry, all persons wishing to cross, provided it can be done with safety. No Ferry-man shall detain travellers more than one quarter of an hour by day, and one half hour by night ; and each Canoe when crossing, shall have, and be propelled by, two, and each Bateau by at least three men. Rules to be observed by ferrymen.

Sec. 5. No application for a license to Ferry shall be received unless notice of such application shall have been given forty-eight hours previously to making the same, to the Ferrymen already licensed at or near the place whence license to ferry is demanded ; and unless proof of such notice having been given, be furnished at the time of making application for said license. Applicants for ferry licenses to give notice.

Sec. 6. The City Treasurer shall furnish each and every Ferryman obtaining a license, with copies of this By-law in the English and French languages ; each and every Ferryman shall be bound to put up, and keep the same openly exhibited in some conspicuous part of his house ; and each Ferryman shall pay to the said City Treasurer Eight Dollars for his license upon obtaining the same. Persons obtaining licenses to be furnished with By-law. Fee for license.

Sec. 7. No person acting as Ferryman as aforesaid, shall demand, or receive any higher rates or charges than those hereinafter specified, namely : Tarif.

**T A R I F F.****IN BATEAUX.**

|   |        |
|---|--------|
| For a Caleche or Cart, drawn by one or two Horses<br>and the Driver . . . . . | \$1.25 |
| For a Horse and the Rider, or for an Ox or Cow and<br>the Guide . . . . .     | 1.00   |
| For three Puncheons or less . . . . .   | 1.25   |
| If more than three, for each . . . . .  | 0.40   |

**IN CANOES.**

|                                      |      |
|--------------------------------------|------|
| For a foot passenger . . . . .       | 0.35 |
| If more than one, for each . . . . . | 0.25 |

Penalty.

Sec. 8. Each and every person offending against any of the provisions of this By-law shall, besides forfeiture of their license, forfeit and pay a Fine or Penalty not exceeding Twenty Dollars, and be liable to an Imprisonment not exceeding Thirty Days for each offence.

**CHAPTER XV.****By-Law concerning the Fire Department.**

ARTICLE I. OF THE ORGANIZATION OF THE FIRE DEPARTMENT.

ARTICLE II. PRECAUTIONARY REGULATIONS.

**Article 1.****OF THE ORGANIZATION OF THE FIRE DEPARTMENT.**

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Fire Depart-  
ment, under  
whose direc-  
tion.

Sec. 1. The Fire Department of this City shall be under the direction of the Fire Committee of the Council.



Sec. 2. The Fire Department of this City shall be composed of the undermentioned officers and men, who shall be known and designated as follows : Fire Department, how constituted.

One Chief Engineer,  
One Assistant Engineer,  
One Hosemaker and Cleaner,  
Eight Guardians,  
Eight Assistant Guardians,  
Eight Drivers,

who shall be called "the City Fire Police," and as Firemen shall be entitled to all the privileges, immunities, and exemptions as by law established.

Sec. 3. There shall be a permanent establishment of eight stations, to be numbered from one to eight, in each of which there shall be placed such a portion of the Fire Department as the Fire Committee may from time to time determine, who shall perform all the duties required of them, and especially the protection of property from fire, and the watering of the streets. Each station shall be supplied with the necessary apparatus and equipment of horses, hose reels, carriages, ladders, axes, torches, &c., &c. Permanent establishment of Stations.

Sec. 4. It shall be lawful for the said Fire Committee, having first obtained the consent of the Council therefor, to add to the present establishment by increasing the number of stations, should the increase of the City hereafter make such extension necessary. Number of stations may be increased.

Sec. 5. The Guardians, Assistant Guardians, and Drivers, shall form one Company of Fire Police as aforesaid, consisting of eight sections, and shall be employed to operate Fire Engines, Hose, Hooks, Ladders, Axes, &c., according to the exigencies of the service, and under such Rules and Regulations as may be established by the Fire Committee. Guardians, &c., to form one Company.

Sec. 6. The men heretofore constituting the Fire Department of this City who may offer their services, shall be organized into a "City Fire Company" for the purpose of operating Fire Engines, working Hose, placing Ladders, Old firemen to form a City Fire Company.

and any other duty which may be required of them in aid of the Fire Police.

**Their number.** The number of Members of the said City Fire Company shall not exceed thirty-six, and they shall be under the immediate command of one Captain and two Lieutenants. It shall be lawful, however, for the said Company to enroll eighteen Supernumerary Members, to supply the places of absentees.

**Their privileges and pay.** The Members of the Company so organized shall be entitled to all the privileges and immunities of Firemen, and shall be paid as hereinafter provided, subject to drawback for non-attendance. The Supernumerary Members, however,

**Supernumerary members.** will only be entitled to pay when supplying the place of absent Members.

**Parades.** Sec. 7. The whole Fire Department shall turn out when ordered for Inspection, it being understood that at least one Parade shall take place annually.

**Rules and Regulations.** Sec. 8. Rules and Regulations for the government and working of the Department, shall be issued from the office of the Chief of the Fire Department, under the sanction of the Fire Committee.

**Pay of the Officers and men.** Sec. 9. The pay of the officers and men shall be as follows :

|                              |          |            |       |
|------------------------------|----------|------------|-------|
| Chief Engineer .....         | \$800.00 | per annum, |       |
| Assistant do. ....           | 500.00   | "          |       |
| Hose Maker and Cleaner....   | 400.00   | "          |       |
| Eight Guardians. ....        | 365.00   | "          | each. |
| Eight Assistant Guardians... | 273.75   | "          | "     |
| Eight Drivers .....          | 240.00   | "          | "     |

#### CITY FIRE COMPANY.

|                       |      |            |       |
|-----------------------|------|------------|-------|
| One, Captain .....    | \$50 | per annum, |       |
| Two Lieutenants ..... | 40   | "          | each. |
| Thirty-six Men .....  | 20   | "          | "     |

And no alteration shall be made in the salaries to be paid to the officers and men comprising the "City Fire Police" and "City Fire Company," unless the previous sanction of the Council shall have been obtained.

## FIRE ALARMS.

Sec. 10. Alarms of fire shall be communicated to the Central office, and from said office to the several stations, by *Electro-Magnetic Telegraph*. Fire Alarm Telegraph.

Sec. 11. There shall be one Chief Operator and Superintendent, and not less than two Assistant Operators, who shall be charged with the working of the Fire Alarm establishment, under rules and regulations to be fixed and determined by the Fire Committee; the said Chief Operator and Superintendent shall have charge of the repairs of the Police and Water Department branches; the outlay for such repairs as well as the proportionate cost of working the said lines, to be chargeable to those respective Departments. Telegraph operators.

Sec. 12. There shall be four Alarm Districts established. Alarm Districts

The First District shall comprise the signal stations numbers 4, 5, 7, 9, 14, 15, 18, 17, 16, 12, 13, and the St. George's Church Bell.

The Second District shall comprise the signal stations numbers 3, 43, 41, 26, 27, 28, 23, 29, 19, 21, 24, 8, 6, and the Parish Church Bell, Place d'Armes.

The Third District shall comprise the signal stations numbers 45, 42, 46, 47, 48, 35, 32, 31, 34, 38, 36, 37, 39, and the Christ Church Cathedral Bell.

The Fourth District shall comprise the signal stations numbers 2, 54, 65, 63, 62, 61, 57, 59, 58, 56, 51, 49, 52, 53, and the St. James Church Bell.

Provided the Fire Committee may, with the sanction of the said Council, establish additional Signal Boxes and Alarm Districts wherever deemed necessary. Proviso.

Sec. 13. The Chief of Police shall be furnished with keys to open the Alarm Signal Boxes for the use of the officers and Constables of the force, for the purpose of communicating alarms of fire in accordance with such directions as shall be issued from time to time by the Superintendent of the Fire Alarm Telegraph; and it shall be their duty to communicate such alarms whenever they shall have reliable information that a fire has occurred or is in progress. Police men to be furnished with Signal Boxes Keys.

Constables to report case of fire.

Sec. 14. It shall be the duty of the Constables, upon their return to their stations, from their patrols or beats, to report any fire which may have occurred within their observation, such report to include the name of the Constable who gave the alarm when such alarm shall have been given by a Police Constable, also the locality, time when discovered, and the interval of time which shall have elapsed between the alarm and arrival of the City Fire Police: it shall be the duty of the respective officers in charge of Police Stations to transmit weekly abstracts of the said reports to the Superintendent aforesaid.

Duty of Police Officers in case of fire.

Sec. 15. It shall be the duty of the Chief of Police and Officers in charge of stations to detail a number of the force to protect property and to maintain order at fires.

City Fire Police to be sworn as Special Constables.

Sec. 16. The City Fire Police shall be sworn as Special Constables, for the purpose of assisting in the maintenance of order in the City, at all times, and more particularly at fires. The Chief of the Fire Department shall have rank in the Police force as Sub-Chief, the Assistant Chief as Sergeant, and the men as Sub-Constables.

Their rank.

Penalty for obstructing Firemen at fires, &c.

Sec. 17. Any person who shall obstruct any Member of the City Fire Police or of the City Fire Company in the performance of his duty as fireman, or who shall maliciously cut or in any way injure or damage any portion of the hose, hose reels, fire engine, ladders or other fire apparatus, shall be liable to a Fine not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each offence.

No person to interfere with Signal Boxes, &c.

Sec. 18. No person shall open any of the Signal Boxes connected with the City Fire Alarm Telegraph, for the purpose of giving a false alarm, or shall in any way interfere with the said boxes by breaking, cutting, injuring, or defacing the same, or shall turn the cranks therein, except in case of fire, or shall tamper or meddle with the said boxes; or shall cut or injure any pole or wire connected with the said Fire Alarm Telegraph under a Penalty not exceeding Twenty Dollars, and an Imprisonment not exceeding Thirty Days, for each offence.

**Article 2.****PRECAUTIONARY REGULATIONS.**

Sec. 19. No person or persons shall hereafter erect, use or employ any steam-engine, soap and candle, or oil cake factory, india rubber, or oil cloth factory, slaughter house, dyeing establishment, tannery, brewery, distillery, gas factory, varnish factory, petroleum or coal oil refinery or warehouse, roofing composition factory, chemical works, alcohol rectifying establishments, or other factories or establishments wherein work, operations or processes, is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety, within the limits of the said City, without having first applied for and obtained permission and authority from the Council of the said City so to do.

Steam Engines,  
Oil Factories,  
&c.

Sec. 20. Whenever an application shall be presented to the said Council by any person or persons desirous of obtaining leave to erect, use or employ, within the limits of the said City, any steam-engine, soap and candle, or oil or oil cake factory, india rubber or oil cloth factory, slaughter house, dyeing establishment, butchery, tannery, brewery, distillery, gas factory, varnish factory, petroleum or coal oil refinery or warehouse, roofing composition factory, chemical works, alcohol rectifying establishments, or other factories or establishments wherein work, operations or processes, is or are carried on, liable or having a tendency to endanger property or to affect or endanger the public health or safety, the Fire Committee and the Inspector of Buildings, the Health or Police Committee, as the case may be, shall, within a reasonable delay, make before the Council their respective reports on the merits of the said application, and the said Council shall then determine whether it is expedient to prohibit or permit such erection, use or employment: Provided, however, that in granting any such application the said Council may impose such restrictions and conditions as may be deemed expedient, as regards the character of the building in which it is pro-

Report to be  
made on each  
application.

posed to use or establish a steam-engine or any of the factories hereinbefore specified, or the size and height of the chimney or chimneys in connection therewith.

Public notice to  
be given of ap-  
plication.

Sec. 21. Any person or persons hereafter desiring to erect, use or employ any steam-engine, factory or establishment of any of the kinds mentioned in the foregoing section, shall be bound to give at least ten days' public notice of his, her or their intention to apply to the said Council for leave so to do, in at least two of the newspapers published in this City in the English language, and in at least two of the newspapers published in this City in the French language, in which the notices of the Council usually appear, which notice shall also be placarded on the front of the building or premises in which such engine or factory is to be used or established as aforesaid; and no application for leave to erect or use any steam-engine, factory or establishment of any of the kinds mentioned in the foregoing section, shall or may be received by the said Council, unless notice thereof shall have been given in the said newspapers, and placarded as aforesaid at least ten days before the time of making the said application, so that residents in the vicinity of the applicant, or the place where it is intended to erect, use or employ the said engine, factory or establishment, and others interested, may be afforded an opportunity to oppose the granting of the said application, and time, if necessary, to be heard upon their opposition.

Premises to be  
inspected, &c.

Sec. 22. Upon the receipt of any application for leave to erect, use or employ any steam-engine, factory or establishment of any of the kinds hereinbefore enumerated, the Inspector of Buildings shall proceed to inspect the premises wherein it is intended to erect, use or employ the said engine, factory or establishment, and shall certify in writing whether the said premises and the apparatus connected therewith, are in conformity with the law, and so made as not to endanger the surrounding property, or affect the public health or safety: a copy of which certificate shall be delivered to the applicant and another to the Fire Committee; and for such inspection

and certificate, the said Inspector is hereby authorized to ask and demand from each applicant as aforesaid, for and on behalf of the Corporation of this City, the sum of Two Dollars.

Sec. 23. No person shall have, keep, sell, or manufacture <sup>Petroleum, coal oil, &c.</sup> in any place or building within the limits of the City of Montreal, any crude or refined petroleum, earth or rock oil, benzole, benzine, naphtha, kerosene, coal oil or burning fluid, in larger quantity than five barrels in the aggregate, except it be kept in close iron tanks, or in *detached* and properly ventilated stores or buildings specially adapted for that purpose, by having raised sills or other contrivances, so as effectually to prevent the overflow of such substances beyond the premises where the same are kept or stored.

Sec. 24. No person shall manufacture or store any of the <sup>Storage of do.</sup> articles mentioned in the next preceding section, in any wooden building, or any wooden building encased with brick, or any building covered with shingles or other wooden material, within the limits of the City, except when such articles shall be secured in suitable iron tanks.

Sec. 25. No person shall manufacture or store any of the <sup>Same.</sup> articles mentioned in the twenty-third section, in any larger quantity than is specified in the said section, in any building situate less than one hundred feet from any other building, and unless separated from said building by a brick or stone wall not less than ten feet in height.

Sec. 26. It shall not be necessary that such building shall <sup>Same.</sup> be enclosed by a wall as provided in the preceding section in any case where it shall be not less than three hundred feet from any other building, and provided also that none of the articles enumerated in said twenty-third section shall be stored or kept above the ground story of said building. Provided, also, that in no case shall buildings used for such storage be connected with any adjoining store or building by drains or sewers of any kind.

Sec. 27. Every person desiring to manufacture, keep or <sup>License for storage of do.</sup> store, any of the articles mentioned in section twenty-third of

this By-law, in any quantity exceeding five barrels as hereinbefore specified, shall make written application therefor to the Fire Committee, stating in said application, the place or building in which he desires to manufacture, sell, or store, said articles, and the manner in which he proposes to keep them; and it shall be the duty of the Inspector of Buildings, or in his absence, the Chief Engineer of the Fire Department, to examine the premises and report to the Fire Committee, whether in his opinion said premises are made conformable to the provisions of this By-law; and upon his report the said Fire Committee shall take action and grant or refuse license as to them may seem meet, subject, however, to the approval of the said Council.

Term of said  
license.

Sec. 28. All licenses granted under the provisions of the preceding section, shall continue and be in force from the time of granting the same until the first day of May next ensuing, and shall be renewed every year on payment of the fee hereinafter provided for.

Fee.

Sec. 29. Every person at the time of receiving said license, shall pay the sum of Two Dollars to be accounted for to the City Treasurer.

Premises to be  
examined.

Sec. 30. It shall be the duty of the Inspector of Buildings, or in his absence or inability, it shall be the duty of the Chief Engineer of the Fire Department in addition to the duties already severally imposed upon them by law, to examine all premises where either of the said articles mentioned in section twenty-three are manufactured, kept, or stored, so as to insure a strict compliance with the foregoing provisions, and they or either of them shall immediately prosecute all offenders against any of the provisions of this By-law.

Steam engines,  
how heated.

Sec. 31. No steam-engine in this City shall hereafter be heated with wood, or with any other description of fuel than coal, from the first day of May to the first day of November, inclusive, in each year, unless the funnel or chimney thereof be covered with a wire netting or cap, sufficient to prevent the escape or emission of sparks of fire therefrom.



Sec. 32. Every kettle, boiler, or copper, for the use of Boilers for soap, &c. any tallow-chandler, soap-boiler, painter, chemist, druggist, or other such Artificer, within the said City, shall be so fixed or erected in brick or stone, laid in mortar, and grouted with liquid mortar so as to prevent all communication between the contents of such kettle, boiler, or copper and the fire; and the fire-place under every such kettle, boiler, or copper shall be so constructed and secured, by an iron door, as to enclose the fire therein.

Sec. 33. No person shall hereafter build, construct or erect Hot-air furnaces. any Hot-Air Furnace, or cause the same to be built, constructed or erected, in any house or premises in this City, except in the manner hereinafter provided.

Sec. 34. The only manner in which it shall be permitted How constructed. for any person hereafter to build, construct, or erect, any Hot-Air Furnace in any house or premises in this City, or to cause the same to be built, constructed or erected therein, shall be as follows, viz. :

*First.*—In all cases when the Hot-Air Chamber in which Hot-air chamber. the furnace is to be placed, shall be made of brick, it must be built on a stone foundation, and of at least eight-inch brick work, well laid in mortar, and arched over the top with eight inch work, with a lining of tin inside the arch; in which said lining of tin the warm air tubes must be properly riveted, and they must also be to pass through the arch; the said arch to be surrounded with an iron band four inches by one quarter inch, to keep the said brick-work together.

*Second.*—A space of at least twelve inches must be left Same. between the upper surface of the warm-air chamber and the bottom of the beams or ceiling; the said beams or ceiling must be covered with a sheet of bright tin plate secured thereto, seamed or soldered together, which must extend six inches beyond the top of the furnace on three sides, and one foot six inches on the front, above the furnace door.

*Third.*—When portable furnaces are to be used, they must Portable furnaces. be placed on a cast iron pan or stand, said pan or stand to be

placed upon a layer of bricks, tiles, or other non-combustible material (if on a wooden floor); the said pan or stand to project three inches beyond the hot air sheeting. And if the said furnace-stop be within two feet of the ceiling or beams, then the said ceiling or beams must be protected in the same manner as in the brick furnace, as mentioned above.

Smoke-pipe.

*Fourth.*—The smoke pipe must be made of, at least, No. 20 sheet Iron, and of a size proportionate to the furnace, and provided with a key or damper to check the draft; the said pipe must be properly joined; must be nine inches from any wood-work, and must be conducted into a proper chimney.

Warm-air tubes.

*Fifth.*—The warm air tubes from the top of the furnace under the first floor, must be made of bright tin, and must not pass nearer than four inches to any wood-work, and be enclosed with solid brick work, or said hot air tubes shall consist of double tubes made of tin plate riveted together at the joints, the space between them to be filled up with plaster of Paris.

Hot-air registers.

*Sixth.*—All hot air registers hereafter placed in the floor of any dwelling, store, church or other building, shall be set in soap stone borders of the following dimensions, to wit: Registers smaller than twelve inches long by nineteen inches wide, shall have a soap stone border not less than three inches in width and one and a quarter inches in thickness. All registers twelve by nineteen and less than fifteen by twenty-five inches, shall have a border not less than five inches wide and one and a half inches in thickness; and all registers fifteen by twenty-five inches or more shall have a border not less than six inches wide and two inches in thickness. All soap stone borders to be firmly set in plaster of Paris or gauged mortar; all register boxes to be double and to be made of tin plate with a flange on the top to fit the groove in the soap stone. There shall also be an open space of two inches on all sides of the register box extending from the under side of the ceiling below the register to the soap stone in the floor; the outside of said space to be covered with a casing of tin plate made tight on all sides, to extend from

the underside of the aforesaid ceiling up to and turn under the said soap stone. Registers twelve by nineteen inches, or less than fifteen by twenty-five inches, shall have a space of three inches between the register box and casing; registers of fifteen by twenty-five and more shall have a space of three and a half inches. All horizontal registers must have a diaphragm of wire cloth so placed as to prevent any combustible from entering the hot air tubes. All the openings through the base or skirting must have a stone frame or double tin filled with plaster of Paris one inch in thickness through all the wood work into the brick or other conductor.

*Seventh.*—The cold air conductor must be of cast iron, strong sheet iron or brick, for, at least, three feet from the hot-air chamber; the remainder of it may be of wood, provided a wire screen be properly secured between the said iron or brick, and wood; and no gas pipe must be allowed to pass nearer than one foot six inches from any smoke-pipe or hot-air conductor. Cold-air conductor.

*Eighth.*—No high pressure steam pipe shall be laid or placed in contact with any wood between floors and ceilings, or in plastered walls or partitions. When such steam pipes are used for heating, they shall be placed or inclosed in sand, brick, mortar, or other incombustible substance. Steam-pipes.

Sec. 35. No person or persons shall use or put in operation, or cause to be used, or put in operation, any hot-air furnace, that may hereafter be built, constructed, or erected, in any house or premises in this City, until the same shall have been first inspected and examined by the Inspector of Buildings, and until the said Inspector shall have furnished a certificate that the same is built, constructed, or erected in the manner heretofore provided. Furnaces to be inspected, &c.

Sec. 36. The said Inspector of Buildings is hereby authorized to ask and demand, for and on behalf of the Corporation of this City, a fee of Four Dollars, for each and every such examination and certificate, made and furnished by him as aforesaid. Fee.

Stove-pipes.

Sec. 37. No person shall hereafter pass, or cause to be passed through any partition of wood, or wood and lime, or through a wooden floor where there is no pipe-stone or iron pipe having flanges, one of which shall rest upon the floor, and the other connect with the ceiling under said floor, and having said iron pipe surrounded with brick work, in any house or building within the said City, any Stove-pipe, without leaving six inches clear between the pipe and such partition or floor.

Pipe-holes  
not to be left  
open.

Sec. 38. No occupant or occupants of any house or building within the said City, shall permit any Pipe-hole not in use in any chimney in such house or building to remain open, and not closed with a stopper of metal or other incombustible material.

Friction  
matches.



Sec. 39. No person shall hereafter manufacture any kind of Fireworks, or Friction Matches, in any house or building in the said City, without a written permission or certificate from the said Inspector, for which he shall be entitled to demand and receive the sum of Two Dollars for the said Corporation: Provided, that no such permission or certificate shall be granted when such house or building shall adjoin or be in the immediate vicinity of other buildings.

To be kept  
in safes.

Sec. 40. All persons in this City having Lucifer Matches, or Matches capable of being ignited by friction, in their possession, whether for use or sale, shall keep the same in stone, brick, or metal safes or boxes.

Unslacked  
lime.

Sec. 41. No person shall keep, connected with or lying upon wood, any Unslacked Lime, in any House, Outhouse, or Wooden Building within the said City; or shall keep, or permit to be kept any loose Straw or Hay in any house in which he, she, or they shall live; or shall set fire to or burn any Shavings, Chips, Straw, or other combustible materials, for the sole purpose of consuming the same, in any street, square, or lane in the said City, or within any enclosure, within one hundred and fifty feet of any building, or shall carry, or keep, or suffer to be carried or kept, any lighted candle or lamp, in any livery or other stable in the said City,

Shavings,  
&c.

Lamps in  
stables.

unless such lamp or candle shall be so enclosed in a lantern or shade as to prevent any accidents by fire therefrom.

Sec. 42. No person shall smoke, or have in his possession any lighted pipe or cigar in any Rope-walk, Stable, Barn, Carpenters' or Cabinet-makers' Work-shop, or other shop or building where straw, shavings, or other such combustible materials may be, or shall carry fire through any of the streets, squares, lanes, or court-yards in the said City, except in some covered metal vessel or fire-pan. Smoking in stables, &c.

Sec. 43. All Ash-holes, or Ash-houses for the keeping or storage of Ashes within the said City, shall be built of stone, brick, or iron, without the use of wood in any part thereof. Storage of ashes.

Sec. 44. No person shall place or keep any Wood-ashes, removed from stoves or fire-places, in any wooden box, or near any wooden partition in his, her, or their house or houses, in the said City, or in any out-house or shed; or shall place, or permit to be placed, any Hay, Straw, or other combustible materials, uncovered, in his or their yard or court-yard, or any lot of ground within one hundred feet of any building. Same.

Sec. 45. No person shall hereafter keep for sale or storage any Cord Wood or other Wood, Boards, Planks, or other wooden building materials, in any Yard in the said City, so near neighbouring buildings as to endanger the same, should fire occur, or shall keep such Yard without having the same inspected by the said Inspector, and without having received from him a Certificate of Inspection; for which Certificate the said Inspector shall be entitled to demand and receive the sum of One Dollar, for and on account of the said Corporation. Woodyards.

Sec. 46. It shall not be lawful for any person or persons to keep or sell any *Fireworks* within the limits of this City in any quantity without first having obtained from the Inspector of Buildings a license therefor, on which shall be written or printed a copy of Rules and Regulations, relative to the keeping and storage of Fireworks within the said Fireworks.

City ; and every such license shall be in force until the first day of May next ensuing the date thereof, unless sooner annulled by said Inspector and no longer ; but such license may, prior to the expiration of that term, be renewed from year to year by endorsement thereon, provided always that such license may be rescinded at any time by the said Inspector, should the holder thereof have infringed the aforesaid Rules and Regulations.

Fee.

Sec. 47. The Inspector of Buildings shall be entitled to demand and receive a fee of One Dollar, to be paid to the City Treasurer, for every such license and renewal of license for the keeping, selling and storing of Fireworks within the limits of this City.

Discharge of  
firearms and  
fireworks pro-  
hibited.

Sec. 48. No person shall fire or discharge any gun, fowling-piece, firearms, or shall set fire to any cracker, squib, serpent, or rocket, or shall throw any lighted cracker, squib, serpent or rocket in any of the streets, squares, or lanes of the said City, or nearer than eighty yards to any house or building within the limits of the same.

Chimneys,  
how to be  
swept.

Sec. 49. Each Chimney and flue thereof in use in the City of Montreal, shall hereafter be required to be swept by a licensed sweep or sweeps of the said City, three times in the course of each and every twelve months, beginning on, and to be computed from the first day of the month of May in each and every year, namely : Once between the first day of the month of May and the first day of the month of November in each and every year, and twice at intervals of at least two months' time from each other, between the said first day of the month of November and the first day of the following month of May.

Mayor  
to license  
sweepers.

Sec. 50. It shall be lawful for the Mayor of the said City to annually issue and grant licenses to sweep the Chimneys and flues thereof, throughout the said City to so many persons of honest character and steady habits as he may deem expedient and necessary ; and to revoke and withdraw the said licenses whensoever and as often as occasion may require, or the dishonesty of character, or impropriety of conduct, of the

person or persons to whom the same may have been granted, shall justify the same being done. Provided, however, that no licensed sweep shall use any brush, broom, or other contrivance for the purpose of sweeping Chimneys without first having submitted the same to the Inspector of Buildings for his approval.

Sec. 51. Each and every person receiving any such license, <sup>Fee.</sup> shall pay the City Treasurer therefor, at and after the following rates, viz :

For the license of a Master Sweeper, granted to himself, the sum of Five Dollars.

For the license of each and every man or boy employed by him, the sum of One Dollar.

Sec. 52. All licensed sweepers shall be under the superintendence of the Inspector of Buildings, and it shall be their duty to obey all orders and instructions of the said Inspector, relating to the sweeping of Chimneys. <sup>Sweepers—  
under whose  
superintend-  
ence.</sup>

Sec. 53. The following shall be and the same is hereby established as the only tariff or rates of fees to be allowed and exacted, by each and every licensed sweep or sweeps, for thoroughly cleansing and sweeping the Chimneys and flues thereof in the said City, viz. : <sup>Tariff of  
Charges.</sup>

For sweeping each Chimney or flue thereof in a one-story house, Five Cents.

For sweeping each Chimney or flue thereof in a two-story house, Eight Cents.

For sweeping each Chimney or flue thereof in a three-story house, Ten Cents.

For sweeping each Chimney or flue thereof in a house of four or more stories, Twelve and a half Cents.

Sec. 54. Whenever any flue or Chimney within the said City shall take fire, and it shall appear that the occupier or occupiers of the house or building where such flue or Chimney may be, had refused or neglected to have the same swept at the periods hereinbefore specified, every such occupier or occupiers shall be liable to the penalty hereinafter provided. <sup>Penalty for  
flue taking  
fire.</sup>

Power to pull  
down buildings  
at fires.

Sec. 55. The Chief Engineer of the Fire Department, or in his absence or disability, the Assistant Engineer, shall have power to direct the pulling down or demolishing of any house or building which he shall judge necessary to be so pulled down or demolished in order to prevent the spreading of fire.

Proviso.

Provided however that he shall have first obtained the sanction of the Mayor for the time being, or in his absence, that of the Acting Mayor or the Chairman of the Fire Committee, for so doing.

Penalty.

Sec. 56. If any person shall violate any of the provisions of this article, he shall be subject to a Fine not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days for the first offence, and to like fine or imprisonment for every forty-eight hours such person shall fail to comply with the provisions of this article, or continue in the violation thereof.

## CHAPTER XVI.

### By-Law concerning Firewood.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Standard  
cord to  
consist of.

Sec. 1. The standard cord of Firewood shall be eight feet in length, four feet in height, and three feet in depth, French measure, from point to scarp of the wood ; or shall consist of ninety-six cubic feet.

Licensed  
Corders.

Sec. 2. It shall not be lawful for any person to cord wood for hire unless he shall have first obtained a license from the Inspector of Firewood (hereinafter named), for which he shall pay the sum of One Dollar, which license will be renewed every year on payment of the same sum. Licensed Corders shall be entitled to receive for the cording of every cord of Wood, a sum not exceeding Five Cents, and shall use approved and stamped measures and no other, and shall allow no crooked limb, or unsound wood to enter into the cord.



Sec. 3. The Chief of Police is hereby appointed Inspector of Firewood, and his duties in that capacity shall be to oversee the Corders, and decide cases of dispute, as to the sale, measurement, or delivery of Firewood; he shall also attend at certain fixed hours at his office, to issue licenses, as before ordained, receiving the fees and accounting, therefor, monthly to the City Treasurer; he shall keep a register of the number of licenses, the names and residences of the parties receiving them, and shall report for suit, before the Recorder's Court, any cases of misconduct or of infraction of this By-law; and the Sub-chiefs and Sergeants of Police are hereby appointed his Deputies, with full power to act in his absence, under his direction.

Inspector  
of firewood,  
his duties.

Sec. 4. It shall not be lawful to sell, in this City, any Firewood in a less quantity than two cords, unless it be measured in a frame duly approved and stamped by the Inspector of Firewood; for doing which he shall receive the sum of Twenty-five Cents. The said frame to be eight feet long, four feet three inches high, in the clear; and its divisions, if any, to be accordingly.

Firewood in  
small quantities  
to be measured  
in a frame.

Sec. 5. No Firewood shall be sold in any market or public place in this City except by the cord, or parts of a cord; and any Firewood sold or offered for sale otherwise shall be seized and confiscated by the Inspector of Firewood or Clerk of any market, in the presence of one or more respectable witnesses.

All firewood  
to be sold by  
the cord.

Sec. 6. Nothing herein enacted shall be deemed to have effect as to Firewood the property of Her Majesty's Government.

Government  
wood excepted.

Sec. 7. Any person who shall offend against any of the provisions of this By-law, shall forfeit and pay a Fine not exceeding Twenty Dollars, or be liable to an Imprisonment not exceeding Thirty Days, for each and every offence.

Penalty.

## CHAPTER XVII.

By-Law concerning Offences against good  
Morals and Decency.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Observance of  
the Lord's day.

Sec. 1. No Merchant, Trader, Petty Chapman, Peddler, Hotel or Tavern-keeper, or any other person keeping a house or place of public entertainment within the limits of the said City, or any other person, shall be allowed to keep open their places of business, and expose for sale, or be permitted to sell or retail on the Lord's Day, commonly called Sunday, any goods, wares, merchandise, wines, spirits, or other strong or intoxicating liquors ; or to purchase or drink the same, in any store, shop, hotel, tavern, house or place of public entertainment, within the limits of the said City.

Taverns to be  
closed on  
Sunday.

Sec. 2. No person shall be allowed to open, or keep open any Dram-shop, Tavern, or other place of the same description within the said City, during all the time that will elapse between eleven o'clock in the evening, on each Saturday, and the Monday morning next following.

Gaming, play-  
ing cards, &c.  
prohibited.

Sec. 3. Every description of Gaming, and all Playing of Cards, Dice, or other Games of Chance, with Betting, and all Cock-fighting and Dog-fighting are hereby prohibited and forbidden, in any hotel, restaurant, tavern, inn, or shop, either licensed or unlicensed, in this said City ; and any person found guilty of Gaming, or Playing of Cards, or any other Game of Chance, with Betting, in any hotel, restaurant, tavern, inn, or shop, either licensed or unlicensed, in this said City, shall be subject to the penalties hereinafter provided.

Police officers  
authorized to  
enter houses &c.

Sec. 4. In order the more effectually to repress the offences above specified,—every Police Officer or Constable is hereby

authorized to enter each and every shop, hotel, dram-shop, tavern, house, or place of public entertainment within the said City, and to arrest therein, on view, any person or persons found guilty of any of the offences aforesaid.

Sec. 5. No person shall swim or bathe in the River opposite or adjacent to the said City, or in the Canal, or other waters adjacent to any of the bridges or avenues leading into the City, so as to be exposed to the view of the inhabitants. Penalty on bathing opposite the city.

Sec. 6. No person shall ill-use or cruelly treat any animal within the said City, either by unnecessarily or mercilessly beating, or by over-loading or over-driving it, or by carrying or transporting it, or by exhibiting or exposing it for sale in an improper manner or one unnecessarily painful, vexatious or dangerous to the said animal, or in any other manner or way whatsoever. Cruelty to animals.

Sec. 7. No person shall expose in any of the streets, squares, lanes, highways, or other public places of the said City, any table or device, of any kind whatsoever, upon which any game of chance or hazard can be played; and no person shall play at any table or device, or unlawful game, in any place as aforesaid. Tables for gaming upon in the streets prohibited.

Sec. 8. No person, within the limits of the City of Montreal, shall keep any musical saloon or establishment wherein intoxicating liquors are sold, and wherein instrumental music or singing, or both, are used as a means of attracting customers. Musical saloons prohibited.

Sec. 9. Any person who shall offend against any of the provisions of this By-law shall, for each offence, incur a Penalty not exceeding Twenty Dollars, and be liable to an Imprisonment not exceeding Thirty Days, and a like fine and imprisonment for every forty-eight hours that such person shall continue in violation of this By-law. Penalty.

## CHAPTER XVIII.

## By-Law concerning Gunpowder.

ARTICLE I. POWDER MAGAZINES.  
ARTICLE II. INSPECTION OF POWDER MAGAZINES.  
ARTICLE III. LICENSES.  
ARTICLE IV. CONVEYANCE OF GUNPOWDER.  
ARTICLE V. ACCESS TO POWDER MAGAZINES.  
ARTICLE VI. PENALTIES.

## Article I.

## POWDER MAGAZINES.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Quantity of  
powder to be  
kept in stores  
—limited.

Sec. 1. No person shall store, keep or have within the said City of Montreal, nor within five miles from the boundaries thereof, any quantity of Gunpowder exceeding twenty-five pounds in weight, at any one time, in any one house, building, or place other than a building of stone, covered with metal made fire-proof, surrounded by an external wall of stone or brick, capped with stone, at least ten feet high, and separated from the said Magazine by a clear distance or space of ten feet at least, with one opening only in such wall, with copper fastenings.

Powder maga-  
zines—how con-  
structed.

Sec. 2. No material shall be used in the construction of Powder Magazines other than stone, brick, copper, brass, wood, glass, tin, slate or zinc, and all such buildings shall be furnished with two lightning rods each, to be approved by the Inspector of Buildings of the said City ; two doors will be fixed, one on the outside of the wall of the said building, and another on the inside of said wall, with a distance of at

least two feet between the two, and shall be covered with brass, copper or zinc, with copper fastenings: the door in the external wall will also be covered with brass, copper or zinc, and shall not be placed in the side of the wall facing the main entrance of the said building; and the door in the external wall shall be so located as to face away from the public road.

Sec. 3. The barrels or kegs of powder shall not be piled on the floor of the Magazine, but upon racks one foot clear above the floor, and to no greater height than six feet; but one rack may be made so as to be above the other between the floor and the ceiling; the said floor shall be tongued and grooved, close-jointed and tight, and the passages shall be covered with hides; the said floor shall be regularly swept so as to be always thoroughly clean.

Internal  
arrangements.

Sec. 4. Straw, rags, grease, or any other substance liable to combustion shall not be allowed within any Magazine, or within the external wall of such Magazine.

Certain sub-  
stances prohib-  
ited in maga-  
zines.

Sec. 5. No Powder Magazine, situated within three miles of the City limits, shall contain a larger quantity of Gunpowder than thirty tons; if beyond three miles and within four miles, forty-five tons; and if beyond four miles, sixty tons, at any one time.

Quantity of  
powder in  
magazines  
—limited.

Sec. 6. No Powder Magazine shall be allowed to be erected or established within five miles of the limits of this City, unless the same be at least two miles apart or distant from any other Powder Magazine; but each Powder Magazine may have in connection therewith an expense Magazine or examining room, for the purpose of examining the barrels or packages of Powder on arrival; provided the said expense Magazine or examining room be at least four hundred yards distant from the principal Magazine, and subject to the same rules and restrictions, as to its erection and maintenance, as are prescribed in and by the present By-law for ordinary Powder Magazines.

Magazines to be  
distant one from  
the other.

Expense  
magazines.

Sec. 7. The following shall be the tariff of charges for the storage of Gunpowder in licensed Magazines, viz:

Tariff of charges  
for storage of  
powder.

For receiving and delivering each quarter cask  
of 25 lbs,..... 5 cents.

For the whole year's storage of the same.....20 "

Fifty per cent. shall be charged for Canister Powder, over  
the above rates.

## Article 2.

### INSPECTION OF POWDER MAGAZINES.

Who shall  
inspect  
magazines.

Sec. 8. The Inspector of Buildings of the Corporation shall inspect all buildings destined or intended to store, or actually storing Gunpowder, with a view of ascertaining whether the same is made fire-proof, and according to law and to these regulations.

Inspector  
to report.

Sec. 9. Previous to the said Magazines being made use of, the Inspector of Buildings shall report to the Police Committee whether the same are according to law, and to these present regulations, or not, as the case may be.

Who shall  
visit magazines  
when in use.

Sec. 10. When any Magazine shall be made use of for storing Gunpowder, the Chief, or either of the Sub-chiefs of Police, shall visit the same from time to time, and report at least once monthly to the Police Committee, giving all particulars of each inspection and supervision of the said Magazine.

Inspector, &c.,  
authorized to  
enter premises.

Sec. 11. The Inspector of Buildings, the Chief, and Sub-chiefs of Police, and the Chief Engineer of the Fire Department, or any one of them, may, at any reasonable hour, enter any building or premises within the City, or within five miles of the City limits, wherein lie, or they have reason to believe Gunpowder to be stored, for the purpose of examining the said building or premises in search of Gunpowder stored therein.

A book to  
be kept in  
magazines, &c.

Sec. 12. A Book shall be kept in every such building or Magazine, showing all Powder entered and left daily in the said building or Magazine, and the balance on hand; the said Book to be open at all times to the Chief and Sub-chiefs of Police.

**Article 3.****LICENSES.**

Sec. 13. No Magazine shall be erected, established, or used for the storing of Gunpowder within five miles of the City limits, by any person or persons, as proprietor, tenant or occupant, without a license having been first duly obtained from the City Council; and such person shall give at least a fortnight's notice of his intention to pray for the issuing of such license, by publishing at least tri-weekly an advertisement to that effect in each of four newspapers printed in this City, to wit, in two English and two French newspapers.

No magazine to be erected without leave of Council.

Notice to be given.

Sec. 14. The City Council may revoke and cancel the said license, or refuse to continue the same, when the proprietor, tenant, or occupant of a Powder Magazine shall have been convicted for a violation of the Act 27th and 28th Victoria, Chap. 56, or of any of the present regulations.

License may be cancelled.

Sec. 15. Each applicant for a license shall submit with his application a plan of the lot of ground upon which he intends erecting a Powder Magazine, with all the particulars connected therewith; or a plan of the Powder Magazine already, or actually existing, and for which he makes such application.

Applicants to submit plan of lot, &c.

Sec. 16. The said Council may thereupon grant a license to the said applicant, or permit the erection of the said Powder Magazine, and authorize the Police Committee to grant and deliver to such applicant a license to store Powder therein, so soon as he may have complied with the law and these present regulations, to the entire satisfaction of the said Inspector and of the Police Committee.

Council may grant license.

Sec. 17. No person shall be permitted to store Gunpowder in any Powder Magazine, unless a license has been previously granted and delivered, as hereinbefore prescribed.

No person to store powder without license.

Sec. 18. Each license so delivered shall be accompanied by an authentic copy of the present By-law, signed by the City Clerk, who shall affix thereto the official seal of the City.

Licenses to be accompanied by copy of By-law.

### Article 4.

#### CONVEYANCE OF GUNPOWDER.

*Mode of conveyance defined.*

Sec. 19. No Gunpowder shall be conveyed from the place of landing through any street of the City except St. Mary Street as far as Papineau Square, and up Papineau Road to the City limits, thence to the Powder Magazines; and the vehicles carting the same shall be kept at a distance of one hundred yards at least from each other, as well within the five miles beyond the City limits, as within the said City.

*Ibid.*

Sec. 20. No Gunpowder over Twenty-five Pounds weight shall be conveyed from the said Magazine and brought within the City limits for being shipped on any Vessel, Railroad, or conveyance of any kind, unless the kegs containing the same be packed in boxes or casks, without any combustible material being used in the packing of the said boxes or casks.

*Powder on board of vessels &c.—limited.*

Sec. 21. No larger quantity than Five Hundred Pounds of Gunpowder shall at any one time, within the City limits, or within the Harbour of the said City, be kept on board of any Vessel, Railroad, or other means of shipping or transporting from the City; and no larger quantity than Twenty-five Pounds thereof shall be in or on the said Vessel, Railroad, or other means of shipping or transporting, unless the kegs containing the same be packed in boxes or casks as hereinbefore provided.

*Description of vehicles for transport of powder.*

Sec. 22. No Gunpowder, except as hereinafter provided in and by the twenty-fourth section of this By-law, shall be carried or conveyed from any Powder Magazine into the said City, or through any street of the said City, or be delivered to any person or at any place within the said City, or on board of any Ship, Vessel, or Railroad within the limits thereof, unless the said Powder be carried or conveyed in vehicles which shall be duly licensed and numbered in the manner hereinafter provided for, and which shall be of the following kind or description, to wit, closed and covered vehicles, the tops and sides of which shall be securely covered



with tarpaulin or oilcloths, and the body of such vehicles shall be fastened with no other kind of metal than copper, brass, or zinc; the door of the said vehicles shall be closed at all times, excepting when Powder is put into or removed from the said vehicles; and the word "Powder," in both English and French languages, shall be painted in large letters on each side of the said vehicles.

Sec. 23. No such vehicles shall be used to carry or convey Gunpowder into or through any part of the said City, or within five miles from the boundaries thereof, or to deliver Powder in any part thereof, until authority shall have been obtained, for each and every year, to that effect, and until the said vehicles shall have been duly registered at the office of the Chief of Police, and a Certificate and a Number obtained from the said Chief of Police; the said Number to be fastened to the said vehicle in a conspicuous place, as directed by the said Chief of Police; and the sum of Five Vehicles to be registered. Dollars shall be paid for each registration, over and above the usual Tax imposed upon the horse and vehicle, as in the case of other Carters. Fee.

Sec. 24. No person shall be allowed to drive any such vehicle within the limits of the City, or within five miles from the boundaries thereof, without obtaining a Permit from the Chief of Police, and a Number, which shall be conspicuously attached on the front of his hat or cap; and a sum of One Dollar shall be paid by such person at the issuing of such Permit and Number. Drivers to obtain permit.

Sec. 25. Large boxes, casks or packages containing kegs of Gunpowder may be carted or conveyed on Carts, Trucks, or Waggon, such as are used for the ordinary purposes, provided there shall be no other article at the same time in the vehicle with the said packages of Powder, and provided also that the same shall be well secured and covered with a tarpaulin or oilcloth, sound and unbroken, with the word "Powder" written in large letters on the outside thereof, and each box, cask, or package shall, moreover, be marked Large boxes containing kegs of powder—how conveyed.

on both ends or both sides with the word " Powder," in large letters.

Persons carting powder not allowed to smoke, &c.

Sec. 26. No person whatever, carting or handling Gunpowder, shall have upon himself Pipes, Matches, or any substance of a dangerous or inflammable nature.

Horses, &c., excluded from inside external wall.

Sec. 27. Horses, Carts, or Vehicles of any kind shall not be allowed within the external wall enclosing a Powder Magazine.

### Article 5.

#### ACCESS TO POWDER MAGAZINES.

Rules to be observed by parties entering magazines.

Sec. 28. No man or person shall be allowed to enter the external wall of a Powder Magazine who shall carry upon his person a pipe, matches, or any substance of a dangerous or inflammable nature ; and express prohibition is hereby made to any person to enter the external wall or Powder Magazine aforesaid, unless he be clad with material of which metals shall not form part, except brass, copper, zinc or tin, with slippers of carpet, or other soft material, or barefooted : and for the better execution of these presents, slippers of carpet shall at all times be kept and deposited at the entrance of the said external wall.

Who shall hold the keys, &c.

Sec. 29. The proprietor, tenant or occupant of a Powder Magazine shall alone be allowed to have possession of the keys of the external wall, or of the Powder Magazine ; and no Powder shall be put in or taken from a Powder Magazine except during daytime, and the doors and openings of the said Magazines shall be closed and locked at all times except when it shall be necessary to put in or remove from the said Magazines a quantity of Powder.

No lights allowed in magazines.

Sec. 30. On no account, shall a light or anything that can be made to produce a light, be taken inside of the external wall ; and as soon as it shall appear that there is an approaching storm, all the openings of the Magazine shall be closed, and remain so until the storm is over.

Sec. 31. In no case shall packages, kegs or casks of Powder be admitted into any Powder Magazine when in a doubtful state of repair; they shall be tight and sound, and the tools used in repairing them shall be of wood, copper, tin or zinc, and of no other material.

Packages in magazines, to be tight and sound

Sec. 32. Packages, kegs or casks of Powder shall be carefully carried to and from the vehicles employed in the conveyance of the same, and the said packages, kegs or casks, shall not be opened nor Powder removed therefrom, and the same shall be carried as aforesaid and not rolled along the floor or on the earth.

Packages—how carried to or from vehicles, &c.

Sec. 33. When kegs of powder shall require to be placed in large packages, boxes or casks, it shall not be lawful to do so within one hundred yards of any Powder Magazine nor within the City limits; and the doors of the external wall shall not be opened at the time that kegs shall be packed as aforesaid.

Large packages—not to be made within a certain distance, &c.

## Article 6.

### PENALTIES.

Sec. 34. Whenever Gunpowder shall be found in a larger quantity than twenty-five pounds in weight within any building or premises against the provisions of the present By-law, the same shall be taken in charge by any member of the Police force and transferred to a licensed Powder Magazine, under an order of the Recorder, as a preliminary step for the purpose of securing said Gunpowder, pending the proceedings for its confiscation before the Recorder's Court.

Police authorized to take charge of powder if kept in violation of By-law.

Sec. 35. All Gunpowder kept, transported or stored, in violation of the provisions of this By-law, shall be forfeited to, and in favour of the said City of Montreal, on conviction of the party offending, before the Recorder's Court.

Powder forfeited in certain cases.

Sec. 36. All persons offending against any one of the provisions of this By-law, shall be liable to a Fine not exceeding Two Hundred Dollars, or an Imprisonment during Thirty Days, or both, for each offence.

Fine.

Interpretation  
clause.

Sec. 37. The term *powder* or *gunpowder*, used in this By-law, shall mean all Powder of an explosive nature ; and the term *powder magazine* shall mean a building destined to the storage of Gunpowder.

## CHAPTER XIX.

### By-Law concerning Public Markets and the sale of Meats, Vegetables, &c.

- ARTICLE I. DESIGNATION OF MARKETS.
- ARTICLE II. DUTIES OF CLERKS OF MARKETS.
- ARTICLE III. GENERAL PROVISIONS.
- ARTICLE IV. BUTCHERS.
- ARTICLE V. WEIGHTS AND MEASURES.
- ARTICLE VI. FISH MARKETS.
- ARTICLE VII. HAY MARKETS.
- ARTICLE VIII. CATTLE MARKETS.
- ARTICLE IX. PENALTY.

#### Article 1.

##### DESIGNATION OF MARKETS.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Public markets  
designated.

Sec. 1. The following places shall be, and they are hereby severally designated and declared to be the Public Markets of the City of Montreal, to wit : Bonsecours Market, in the East Ward thereof ; St. Ann's Market, in the West Ward thereof ; St. Lawrence Market, in the St. Louis Ward thereof ; Papineau Market, in the St. Mary's Ward thereof ; St. Antoine Market, in the St. Antoine Ward thereof, and St. Gabriel Market, in the St. Ann's Ward thereof ; for the sale thereon, respectively, of all kinds of Fresh Provisions, Butcher's Meat, Pork, Salt Meat, Turkeys, Geese, Ducks, Poultry, Butter, Eggs, Fish, Fruit, Vegetables, and all kinds

of Produce (except hay and straw) usually brought to, and sold in Public Markets.

Sec. 2. Victoria Square, west of Craig Street, in the St. Antoine Ward of this City; Papineau Square, west of Papineau Market; the open space of ground on the south-east and north-west sides of the St. Gabriel Market; the south-east and north-west sides of the St. Antoine Market, and the open space in rear of the Cattle Market building on Craig Street, shall be, and they are hereby declared to be the Public Hay Markets for the sale thereon, respectively, of all kinds of Hay and Straw, brought to this City for sale, and shall severally, in the order in which they herein stand, be designated as Hay Market number *one, two, three, four, and five.* Hay markets.

Sec. 3. The lot of ground belonging to the Corporation in the said City of Montreal, fronting on Craig Street, and lying between St. Hubert and Campeau Streets, in the St. James Ward of the City, with the buildings thereon erected, and the north-west side of the St. Gabriel Market, with the enclosure thereon made, shall be, and they are hereby declared to be, the only Public Markets in this City, for the sale thereon of all Live Stock, Horses, Cattle, Sheep, Calves, Pigs (other than sucking ones), and all live animals whatsoever brought to this City for sale, provided that any Farmer having for sale, beside other produce, not more than two calves, or two lambs, may sell or expose the same for sale on Bonsecours, St. Ann's, St. Lawrence, Papineau, St. Antoine or St. Gabriel Markets, in his own vehicle, but not otherwise; and provided also, that over and above all other charges to be paid by him, to the Clerk of such Market, he pay like fees for such calf or calves, lamb or lambs, as if the same were sold on the Cattle Market. Cattle markets.

Sec. 4. The limits of the said several Markets shall be as follows: Limits of markets.

1. The limits of Bonsecours Market shall be on the ground floor of the building known as the "*Bonsecours Market*," facing on Commissioners Street, and the first flat or story of said building, facing on St. Paul Street, the streets on each Bonsecours market.

side thereof, to wit: St. Paul and Commissioners Streets, from Jacques Cartier Square to Friponne Street, St. Victor Street, on the north-east end thereof, and the open space of ground or street not yet named, at the south-west end of said Market-house.

St. Ann's market.

2. The limits of St. Ann's Market shall be the building known as the "*St. Ann's Market*," and the streets on each side and at both ends thereof, as far northerly as the line of Custom House Square, and as far southerly as McGill Street.

St. Lawrence market.

3. The limits of St. Lawrence Market shall comprehend the building known as the "*St. Lawrence Market*," and the streets on each side and at both ends of the same.

St. Antoine market.

4. The limits of the St. Antoine Market shall be the building known as the "*St. Antoine Market*," and the streets on each side thereof, respectively called St. Bonaventure, Mountain and Aqueduct streets, and shall also include the new street on the north-west side of the said Market, extending from Mountain to Aqueduct Street, and to be called "Market Street."

St. Gabriel market.

5. The limits of the St. Gabriel Market shall comprise the building known as the "*St. Gabriel Market*," and the streets on each side thereof, respectively called St. Charles, Guy, Centre and Richmond Streets.

Hay market.

6. The limits of the Hay Market shall be the building and Weigh-house, known as the "*Hay Market*," and that part of Victoria Square lying north of Craig Street.

Papineau market.

7. The limits of the Papineau Market shall be the building known as the "*Papineau Market*," and the Square on which the said building is erected.

Grain and vegetable market.

Sec. 5. The east end of the ground floor in Bonsecours Market, fronting on Commissioners Street, shall be, and the same is hereby constituted a Grain, Fruit and Vegetable Market, for the purchase and sale therein of all kinds of grain, fruits and vegetables, in bags, brought to this City for sale, other than those brought thereto by Farmers, and sold by them in their vehicles on the Public Markets; and the Clerk of Bonsecours Market is hereby authorized to ask and receive, for and on behalf of the Corporation, the following

rates or charges for all Grain, Fruit or Vegetables brought to and deposited or sold in the said Grain Market, viz.: One cent per day, for each bag of Grain, Fruit or Vegetable brought to and deposited or sold in said Market.

## Article 2.

### DUTIES OF CLERKS OF MARKETS.

Sec. 6. The Clerks of the Markets shall, under the control and superintendence of the Market Committee appointed by the said Council, have the care and superintendence of the said Markets and Market-places respectively; and it shall be their duty to execute and carry into effect all the Regulations, Orders, and By-laws for the government of the same respectively, and all the orders of the said Committee, not inconsistent with, or repugnant to, the said Regulations, Orders, or By-laws:—The said Clerks and also their Deputies or Assistants shall be sworn as special Constables, and shall wear a badge indicative of their authority as such.

Clerks to enforce regulations.

Sec. 7. It shall be the duty of the said Clerks to enter in a Book, to be kept for that purpose, accurate accounts, from day to day, of any and every infringement or violation of any of the Rules, Regulations, or By-laws in force, together with the name or names of the party offending, as also the name or names of one or more persons who may have witnessed such infringement or violation; which said Book shall be at all times open to the inspection of the said Committee.

To keep record of violation of rules

Sec. 8. It shall be the duty of the Clerks of Markets, respectively, whensoever directed by the Market Committee so to do, to appoint proper persons to perform the menial duties and services in and about the said Markets and Market-places, whom they may remove at pleasure, and to whom such remuneration and pay shall be given as the Market Committee may from time to time determine; and the said Clerks of Markets shall, respectively, be held responsible for the good conduct and behaviour of such persons whilst in their employ.

Menial duties on markets—how performed

Sec. 9. Negligence, incapacity, partiality, or the slightest breach of trust in the performance of their duties, shall sub-

Neglect of duty, &c., to entail suspension.

ject the said Clerks to immediate suspension by the Market Committee, who shall at once report the case to the said Council for their decision.

Clerks not to  
trade or pur-  
chase for others

Sec. 10. It shall not be lawful for any of the said Clerks, or of their Assistants, to trade, either directly or indirectly, in, or have any direct or indirect interest in the sales or profits of, any things or animals, which shall be brought and exposed for sale on any of the said Markets or Market-places, or to purchase any such, for and on behalf of others; but the said Clerks, or their Assistants, shall not hereby be prohibited from purchasing in the said Markets what may be necessary for the private use of themselves and families.

Market days  
and hours.

Sec. 11. It shall be the duty of the said Clerks to cause the said Markets to be kept open daily, (except Sunday, Christmas day, New Year's day, and Good Friday), from five o'clock in the morning till five o'clock in the afternoon, from the 1st day of April till the first day of November; and from six o'clock in the morning till four o'clock in the afternoon, from the first day of November till the first day of February; and from six o'clock in the morning till four o'clock in the afternoon, from the first day of February till the first April, in each and every year: provided that on the Saturday in each week the said Markets shall be kept open till ten o'clock at night; unless the Saturday falls on Christmas or New Year's day, in which case the said markets shall be kept open till the same hour the preceding or Friday night; the said Clerks shall attend to the same constantly during Market hours, unless prevented by sickness or unavoidable accident; it will be their duty to cause all the dirt and filth in or about the said Markets to be removed with all possible celerity; to inspect all articles brought to their respective Markets; to decide all differences and disputes therein between buyers and sellers; to classify the various denominations of venders in the said Markets, and to arrange all those contiguously who deal in the same or similar articles; to arrange all vehicles brought to the said Markets, and to enforce with impartiality all regulations for the government of the same.

Attendance of  
clerks.  
Their duties.



Sec. 12. It shall be the duty of the Clerk of Bonsecours Market, annually, from and after the first day of May in each year, to enregister, in a Book to be kept for that purpose, the names of all persons qualified by good character, conduct and capacity to be porters or carrier boys on any of the Markets in the City, and to grant them Numbers or Certificates at the time of enregistering their names, which said Numbers and Certificates shall be good and valid till the first day of May next after they shall have been granted, and no longer; and the said Clerk shall be entitled to demand and receive from each and every person whose name shall be so as aforesaid enregistered, and to whom a Number or Certificate shall be given the sum of twenty-five cents for each and every such registration and Number or Certificate; and no person or persons whomsoever shall hereafter act as porter or carrier, on any of the Markets in the City, for hire, without having previously enregistered his name, and received such Number or Certificate as aforesaid.

Clerk of the  
Bonsecours  
market to li-  
cense carrier  
boys.

Sec. 13. It shall be the duty of the said Clerks of Markets to keep open the Market weigh-house during, and at the same times, as the said Markets are hereinbefore directed to be kept open; and the scales, weights, and measures, and every thing connected with them shall be maintained in a clean and orderly manner; and they shall weigh and measure the different articles that are sold and disposed of, in the said Markets, whenever they shall be thereunto required, by the parties interested therein or any of them, for which weighing or measuring they shall be entitled to ask, demand and receive, the following charges, for and on account of the Corporation, to wit:

Weigh houses—  
how regulated.

Firstly,—For weighing all articles not exceeding fifty pounds, Two Cents.

Secondly,—For weighing all articles over fifty pounds, but not exceeding one hundred pounds, Three Cents.

Thirdly,—For weighing all articles over one hundred pounds, and not exceeding one hundred and fifty pounds, Four Cents.

Charges for  
weighing.

Fourthly,—For weighing all articles over one hundred and fifty pounds, and not exceeding two hundred pounds, Five Cents.

Fifthly,—For weighing all articles over two hundred pounds, and not exceeding three hundred pounds, Seven Cents.

Sixthly,—For weighing all articles over three hundred pounds, and not exceeding four hundred pounds, Ten Cents.

Seventhly,—For weighing all articles over four hundred pounds, there shall be charged, in addition to ten cents, for every additional one hundred pounds, Two Cents.

Eighthly,—For the measuring of every half-pint, pint, quart, gallon, or for the measuring of every bushel or minot of any article, Two Cents.

Deputy Clerks  
of Markets.

Sec. 14. All the provisions of this By-law, relating to Clerks of Markets, shall equally apply to their deputies or assistants, or other duly deputed and authorized persons acting for them, or in their lieu and stead, in the event of the sickness or absence of the said Clerks.

### Article 3.

#### GENERAL PROVISIONS.

Sale of butcher's meat, provisions, &c., limited to markets.

Proviso.

Proviso.

Sec. 15. No person shall sell or expose for sale, in or upon any street, square, lane, or in any store, shop, dwelling, or other place in this City, than one of the public Markets thereof, any kind of fresh provisions, butchers' meat, pork, turkeys, geese, ducks, poultry, fish, fruits, grain, produce, or effects usually brought to and sold on public Markets: Provided, that nothing herein contained shall prevent Shopkeepers, Grocers, or Traders retailing as heretofore, in their shops or stores, butter, eggs, hay, straw, salt pork, fruits or vegetables; Provided, also, that Farmers or Gardeners may sell and deliver to their customers in any part of the City, potatoes, of their own production, in quantities of not less than a bag, or one minot and a half, upon their obtaining from the Chief of Police a license for each vehicle used for that purpose, for which they shall pay the sum of Twelve Dollars, and which license shall be renewed every year.

Sec. 16. All persons who shall bring provisions, animals, forage, grain, produce, or any effects whatsoever, to sell on the said Markets, shall place themselves thereon, according to the directions of the said Clerks; and, in case of dispute concerning preference or choice of places, shall submit to, and obey the decisions of the said Clerks of Market; and all persons buying or selling in the said Markets, or attending thereat, or transacting business thereon, or being in or upon any of the same, shall, in all things relating to the regulations, government, or arrangements of the said Markets, or to the peace, order and cleanliness to be preserved in and upon the same, attend and obey all orders and directions given by the said Clerks thereof respectively.

Persons selling  
on markets  
shall follow  
directions  
of Clerks.

Sec. 17. No person shall hereafter slaughter or bleed or gut any animal, or pluck or remove the feathers from any fowl or poultry of any description, or expose any meat in a bleeding state, or the uncleansed entrails of any animal, in or upon any of the said public Markets; nor shall any person bring to, or offer for sale on any of the said public Markets, the flesh of any animal which shall have died of disease, or which shall not have been in a sound state when killed, or any measly pork, or any blown or fraudulently dressed meat, or any bull-beef or boar-pork, or any tainted or unwholesome meat, poultry, game, or any veal or lamb, under three weeks old, or unsaleable from leanness, or any meat with the kidneys raised, or that is stuffed, or in any other than an undisguised and natural state or condition, under the pain of forfeiture and confiscation thereof, besides the penalties of fine and imprisonment, hereinafter imposed in and by this By-law, against all parties offending against any of the provisions thereof; and further, it shall be the duty of the said Clerks of Markets to seize and confiscate every such article in the presence of one or two credible witnesses, who shall assist at the examination of the same, and whose names shall be preserved in writing by the said Clerks, as also the day, month and year of such confiscation; the names of the persons owning the property, and the quantity and quality of the same.

No animals to  
be killed or bled  
in markets.

Unwholesome  
meat.

Penalty.

Articles deficient in weight, &c., to be confiscated.

Sec. 18. Any person who shall sell or offer for sale in any of the said Markets, any article whatsoever, which shall be deficient in the weight or measure for which the same shall be sold, or offered for sale, or which shall, with fraudulent intent, be disguised, shall, for the first offence, suffer forfeiture of every such article, and for the second or any subsequent offence, shall, besides such forfeiture, incur and be liable to the penalties of fine and imprisonment hereinafter imposed against all persons offending against any of the provisions of this By-law; and further, it shall be the duty of the said Clerks to seize and confiscate every such article in the manner hereinbefore prescribed.

Articles may be re-measured or re-weighed.

Sec. 19. It shall be competent for any purchaser who shall suspect any fraudulent dealing, or deem himself, or herself, wronged, in the weight or measure of any article or articles, bought by him or her on any of the said Markets, to demand and have such article or articles re-measured or re-weighed at any of the Market weigh-houses, on condition, however, that the purchaser shall pay the charges of such re-measuring and re-weighing, should the pretended weight or measure be found to be correct; but, if otherwise, such charges shall be paid by the vender, besides the penalty hereinbefore imposed.

Parties to be provided with scales, &c.

Sec. 20. All persons who shall sell or offer for sale, by retail, any goods or provisions whatsoever, by weight or measure, in or on any of the said Markets, shall each be provided with a good beam, scales, weights, and measures of proper dimensions, and duly stamped according to law; and no person having scales and weights for his own use, on any of the said Markets, shall weigh any articles whatsoever for other individuals.

Special license required to sell harness, &c.

Sec. 21. No person or persons shall hereafter sell, or expose for sale, on any of the said Markets, unless specially licensed to do so, any harness or leather, or any boots or shoes, of any description whatsoever, made of the same; nor shall any person hawk about small wares, fruits, vegetables, sweets, or biscuits, or any goods or wares whatsoever, on any of the said Markets.

Sec. 22. No person shall hereafter expose or sell any article or animal by auction, in or upon any of the said Markets, or on any of the streets adjoining or opposite to, or in the immediate vicinity of, any of the said Markets: provided that nothing herein shall be taken to extend to sales by authority of justice, or to sales made under the sanction of the Market Committee.

Auction sales  
on markets  
prohibited.

Sec. 23. All vehicles containing charcoal, boards, shingles, posts, ladders, water spouts and other wooden ware, usually brought to this City for sale, shall be hereafter placed and arranged on such part or parts of the St. Ann's and Cattle Market-places of this said City, as the Clerks thereof or their Deputies or Assistants shall determine, require or direct; and no owner or owners, driver or drivers, of any such vehicle as aforesaid, shall place or arrange any such vehicle elsewhere, or refuse, or neglect to comply with the determination, requirement or direction of the said Clerks, Deputy Clerks or Assistants, in this respect, or place his or their said vehicle, or cause the same to be placed elsewhere, or in any other manner than as directed by the Clerks of the said Markets.

Vehicles with  
charcoal,  
boards, &c.,  
where placed.

Sec. 24. No Farmer, vegetable vender, or other person or persons, to whom no space or stand can be allotted on any of the said Markets, shall remain in, or encumber, with their vehicles or effects, any street or streets surrounding, or in the immediate vicinity of, any of the Markets.

Farmers, &c.,  
not to encum-  
ber streets.

Sec. 25. No person or persons shall play at any game, or lie down, or sleep, or behave in a disorderly, noisy, or riotous manner in, or within the limits of, any of the said Markets: nor shall any person or persons burn charcoal, or coal, or other substances in chafing dishes in any of the said Markets, without the special permission of the said Market Clerks respectively.

Order to be  
preserved on  
markets.

Sec. 26. It shall not be lawful for any person who follows the business of a huckster, forestaller or seller of any articles or provisions at second hand, to purchase or offer to purchase, either by himself or his agent, before the hour of eleven o'clock in the forenoon, any kind of provisions or provender

Hucksters and  
forestallers.

brought to the public Markets of this City, or offered for sale thereon; and the possession of any such provision or provender by such huckster, forestaller or other seller thereof, which may have previously been in the possession of any farmer or other person within the limits of the City, before the hour aforesaid, shall be deemed *prima facie* evidence of a violation of this section.

Orders of clerks  
of markets to be  
obeyed.

Sec. 27. All persons transacting business on any of the public Markets, or attending or being on the same, shall, in all matters affecting the peace, order, regularity, government and regulations of the said Markets, obey all reasonable orders and directions of the said Clerks thereof or their Deputies or Assistants; and no person or persons shall behave in a noisy, indecent, riotous or disorderly manner on the said Markets.

#### Article 4.

##### BUTCHERS.

Butcher's stalls  
to be let annu-  
ally.

Sec. 28. The Butchers' Stalls in the several Markets of this City shall be let annually in the month of April, by public auction; and written Leases of the same shall be immediately thereafter executed, in which Leases it shall be stipulated, among other things, that the term of the said Lease shall commence on the first day of May, then next; that the Rent shall be paid daily on demand; that the Lessees shall in no instance, directly or indirectly, sub-let the said Stalls, or any part thereof, or otherwise dispose of any interest they may have in the same; that they shall not permit the said Stalls, or any part thereof, to be occupied by any person or persons whomsoever, other than themselves, without the special consent of the Market Committee; that they shall observe and comply with all the Rules, Regulations and By-laws now legally established, and that may hereafter be so, for the government of the public Markets in this City; and that their neglect, omission, disregard, or violation of any of the said stipulations shall have the effect of immediately annulling the said Leases, and forfeiting their possession of the said Stalls.

Sec. 29. No person or persons shall hereafter cut, retail or weigh meat, Beef, Mutton, Veal, Lamb, Salt Pork or Beef, or expose the same for sale at any other than a Butcher's Stall, or at that of a Vender of Salt Provisions, in or upon any of the said Markets : Provided that nothing herein contained shall be held to prohibit Farmers from bringing to Market and selling there, in the carcass, or in quarters only, meat of any kind, and likewise venison.

Sale of meat limited to butchers' stalls.

Proviso.

Sec. 30. No Butcher shall hereafter permit any person or persons, other than those in his employ, to sell or expose for sale any article whatsoever on his Stall or Stalls in any of the said Markets ; and no Butcher shall hereafter sell or expose for sale, any other article than meat on his Stall or Stalls, in any of the said Markets.

Butchers not to allow strangers to sell on their stalls, and to sell meat only.

Sec. 31. No Butcher or other person, whomsoever, shall sell, or permit others to sell, out of the Window of any Stall in any of the said Markets, or otherwise than in front of said Stalls.

Not to sell out of windows.

Sec. 32. No Butcher, or other person, dealing in or selling Beef, Mutton, Veal, or Venison at any Stall in any of the said Markets, shall keep or sell Pork (either fresh or salted) in or at the said Stall ; neither shall any Butcher, or other person, dealing in or selling Pork at any Stall in any of the said Markets, keep or sell any other kind of fresh meat thereat.

Butchers not to sell pork.

Pork vendors limited to pork.

Sec. 33. Each and every Butcher, or other occupier of a Stall or Stalls in any of the said Markets, shall keep the same, at all times, clean and in perfect order, and shall scrape and wash the chopping boards, blocks and benches thereof, as often as necessary, in order that no blood or filth whatever may remain thereon ; and whenever any Stall or Stalls, in any of the said Markets, shall be left or kept in an unclean or improper state, or with the Windows, Doors or any other part thereof disfigured, injured, or broken, it shall be the duty of the said Clerks of Markets, to cause the Lessee or Lessees of said Stall or Stalls to be proceeded against for the fine and penalty hereinafter imposed against

Stalls to be kept clean.

all offenders against any of the provisions of this By-law, and, further, to cause the said Stall or Stalls to be cleansed and put in perfect order and repair, at the expense of the Lessees thereof respectively.

**Butchers not to encumber passages.**

Sec. 34. No Butcher or other person shall hereafter obstruct or encumber the passage between the Butchers' Stalls, in any of the said Markets, by leaving opposite to his Stall any heads or hides of any animal, or tubs of salted provisions or other meat, or anything else whatsoever; nor shall any Butcher hang or affix meat to his Stall, in any of the said Markets, so that the same shall project over the said passage; neither shall any Butcher hang or suspend meat over the said passage, in any of the said Markets.

**Hand-carts, &c., on markets prohibited.**

Sec. 35. No Butcher or other person shall hereafter drag or push away any hand-cart, sled, or traineau, during Market hours, on any of the passages or foot-paths of any of the said Markets.

**No putrid meat to be left on stalls.**

Sec. 36. No Butcher or occupier of a Stall or Stand, in any of the said Markets, shall keep or leave on the same any putrid or unwholesome meat, fish, or other putrid matter, or any matter or thing whatever diffusing an offensive odour.

**Dogs on markets prohibited.**

Sec. 37. No Butcher or other person selling in any of the buildings of the public Markets, shall bring any dog, or bitch therein, or permit the entry thereof into any Stall or place occupied by him, or harbour or shelter any such therein.

**Tallow or green hides.**

Sec. 38. No Butcher or other person shall bring any tallow or green hide or hides to any of the said Markets, or shall sell or dispose of the same therein.

**Fees to be collected by clerks of markets.**

Sec. 39. The following shall hereafter be the rent or daily payment to be demanded and received by the several Clerks of Markets, for the occupation of unrented Stalls or Stands therein, to be daily collected by the said Clerks immediately on such Stalls or Stands being occupied, and to be accounted for in such a manner, and at such times as the



Market Committee shall direct; provided that the said Committee may, at all times, lease the said Stalls or Stands by the month or by the year, if deemed advisable so to do.

Firstly,—For a Stand under cover, occupying a space of Three Feet, for the sale of fresh butter, eggs, poultry, &c., the produce of the farms of the Venders, Five Cents per day.

Secondly,—For a Stand under cover, of Five Feet in breadth, for the sale of fresh or salt pork, beef, or mutton, in the carcass or quarter, or any other article usually exposed for sale on the said Market, Twenty-five Cents per day.

Thirdly,—For a Stand for each vegetable or fruit cart, or corresponding winter vehicle, Twelve and a half Cents per day.

Fourthly,—For a Stand for each Farmer's cart, or corresponding winter vehicle, Five Cents per day: provided that vegetables or the produce of a garden be not brought therein, in which case Twelve and a half Cents per day shall be charged therefor, as for a fruit or vegetable cart or vehicle.

Fifthly,—For a Stand of Five Feet in breadth, for the sale of eggs and poultry, not the produce of the Vender's farm, Twenty-five Cents per day.

Sixthly,—For a Stand of Five Feet in breadth, for a Fruiterer, Twenty-five Cents per day.

Seventhly,—For a Stand of Five Feet in front, for the sale of cooked victuals, Ten Cents per day.

Eighthly,—For a Stand of Three Feet in front, for the sale of wild fruits, Five Cents per day.

Ninthly,—For a Stand of Three Feet in front, for the sale of any article not hereinbefore enumerated, Five Cents per day.

Tenthly,—For a Stand for each Farmer's cart, or corresponding winter vehicle, bringing beef, mutton, veal, pork, or venison, in quarters, to Market, Twenty-five Cents per day: provided that if the said beef, mutton, veal, pork, or venison, be in the carcass, the Farmer shall only pay therefor, at the rate of Five Cents per carcass.

Rent of stalls  
payable on  
demand.

Sec. 40. All Butchers or other persons liable to pay rent, rates or dues on the said Markets, or by reason of their having Stands or places thereon, or of occupying any part thereof, shall hereafter promptly do so, whensoever thereunto required by the Clerks of the said Markets severally, their Assistants or other persons authorized to demand and collect the same. All the Stalls and Stands in the said Markets shall be numbered in the manner to be determined on by the Market Committee.

Stalls to be  
numbered.

Stalls to revert  
to the city in  
certain cases.

Sec. 41. When the Lessee of any Stall, or occupant of any Stand or Cellar in any of the said Markets, shall, from any cause whatever, vacate the same, or shall receive notice from the Market Committee to vacate the same, or shall neglect or refuse to pay his rent for the space of forty-eight hours, or shall neglect or refuse to comply with any regulations established for the good order and cleanliness of the said Markets, the Stall, Stand, or Cellar of such Lessee or occupant shall thereupon revert to the City, and be at the disposal of the Market Committee.

Private stalls  
to be licensed.

Sec. 42. The said Council may issue special licenses to Butchers or other persons who may desire to open or keep private Stalls at their store, shop or residence in the said City, for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, venison, or other provisions usually sold in the Market Stalls; the said licenses subject, however, to the provisions and stipulations contained in the following sections:

No person to  
open private  
stall without  
leave.

Sec. 43. No Butcher or other person shall open or keep a private Stall in the said City, or a Stall elsewhere than in one of the public Markets of the said City, for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, or other provisions usually sold by Butchers in the Markets, without having first applied for and obtained permission and authority from the said Council so to do, and without having paid the duty imposed in and by the following section.

Duty on private  
stalls.

Sec. 44. An annual duty of Five Hundred Dollars shall be and the same is hereby imposed upon each and every person,

or firm of persons keeping a private Stall in the said City for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, venison or other provisions usually sold by Butchers in the Markets, which said duty shall be due and payable to the City Treasurer so soon as such person, or firm of persons, shall be prepared to open the said Stall, and before having any sale therein; and the year for which said duty shall be paid and received, shall be computed and reckoned from said date of the parties being so prepared to open said Stalls and to begin business as aforesaid.

Sec. 45. Any and every Butcher, or other person, keeping a private Stall as aforesaid, or a Stall in the said City elsewhere than on one of the said public Market places, or selling fresh beef or pork, veal, mutton, lamb, venison or other provisions as aforesaid, or offering or exposing the same for sale, in or at his, her, or their store, shop, residence, or elsewhere in the said City, than on one of the said public Markets, who shall neglect or refuse to pay the said duty of five hundred dollars, and who shall continue to keep a private Stall as aforesaid, or to sell, or offer, or expose for sale as aforesaid, after the said duty has been asked for or demanded of him, her or them, or after due notice to pay the same shall have been left or served at his, her, or their domicile or place of business, shall be liable to a Fine not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each and every day, (if sued for separately) that he, she, or they shall so continue to keep such private Stall, or to sell or expose or offer for sale as aforesaid.

Sec. 46. No Butcher or other person or persons whomsoever, keeping a private Stall as aforesaid, or a Stall elsewhere than on one of the said public Market places, or selling fresh beef or pork, veal, mutton, lamb, venison or poultry, or offering or exposing the same for sale, in, or at his, her, or their store, shop, residence, or elsewhere in the said City, than on one of the said public Markets, shall keep or allow the said Stall or other place to be in an unclean or filthy state; neither shall any such Butcher or other person aforesaid, have, or expose, or offer, for sale, at the said Stall or place of sale,

Neglect or refusal to pay the duty.

Rules to be observed by holders of private stalls.

or sell thereat, any meat in a bleeding state, or the uncleaned entrails of any animal, or the flesh of any animal which shall have died of disease, or which shall not have been in a sound state when killed, or any measly pork, or any blown or fraudulently dressed meat, or any bull-beef, or boar-pork, or any tainted or unwholesome meat, poultry, or game, or any veal or lamb under three weeks old, or unsaleable from leanness, or any meat with the kidneys raised, or that is stuffed, or in any other than an undisguised, wholesome and proper state or condition, or any meat, or other article, which shall be deficient in the weight for which the same is sold, under the pain of forfeiture and confiscation thereof, and moreover, under a Fine or Penalty not exceeding Twenty Dollars, and an Imprisonment not exceeding Thirty Days, for each and every offence.

Police officers  
may visit  
private stalls  
and enforce  
regulations.

- Sec. 47. It shall be the duty of the Police Officers or Constables, from time to time, and as often as they may deem it necessary, to visit and inspect the said private Stalls, stores, shops, houses or other places, where beef, pork, veal, mutton, lamb, venison, or poultry now is, or hereafter may be sold in this City, elsewhere than on the Public Markets, and to examine the meat and other articles there sold, or exposed or offered for sale, and to seize and confiscate all such meat and other articles as may be liable to confiscation under the preceding section of this By-law, in the presence of one or two creditable witnesses, who shall assist at the examination thereof, and whose names shall be preserved in writing by the said Police Officers or Constables, as also the day, month and year of such confiscation, the names of the persons owning the property, and the quantity and quality of the same; and for such purpose, the said Police Officers or Constables are and each of them is hereby authorized to enter and inspect all private Stalls, and all houses, shops and other places in this city, (not in the Markets thereof) where beef, pork, veal, mutton, lamb, venison, or poultry are or may be sold, whensoever and as often as may be necessary; and any and every person refusing admission to, or opposing or preventing the entry of any of the said Police Officers or Constables into any such private stall, house, shop or other place,

where beef, pork, veal, mutton, lamb, venison, or poultry is, or may be sold, in this city, or opposing or preventing the inspection or confiscation thereof, by any of the said Police Officers or Constables, in the manner hereinbefore directed, shall be liable to a Fine or Penalty not exceeding Twenty Dollars, and an Imprisonment not exceeding Thirty Days, for each offence.

### Article 5.

#### WEIGHTS AND MEASURES.

Sec. 48. The hundred weight for weighing all articles on the said Markets, intended to be sold by the hundred weight, or ton weight, shall consist of one hundred pounds avoirdupois, and the ton weight used for the said purposes shall consist of twenty hundred weights, or of two thousand pounds avoirdupois; and the said hundred weight or ton weight as herein above established, with their parts, multiples and proportions, shall be the standard weights for the weighing of all such articles as aforesaid.

Sec. 49. The following shall be the standard weights which in all cases shall be held to be equal to the Winchester Bushel of the Grain, Pulse or Seeds opposite to which they are set:

|  |                     |
|--|---------------------|
| Wheat . . . . .  | Sixty Pounds.       |
| Indian Corn . . . . .  | Fifty-six Pounds.   |
| Rye . . . . .  | Fifty-six Pounds.   |
| Peas . . . . .   | Sixty Pounds.       |
| Barley . . . . .   | Forty-eight Pounds. |
| Oats . . . . .   | Thirty-four Pounds. |
| Beans . . . . .  | Sixty Pounds.       |
| Clover Seed . . . . .  | Sixty Pounds.       |
| Timothy Seed . . . . .   | Forty-eight Pounds. |
| Buckwheat . . . . .  | Forty-eight Pounds. |
| Potatoes, turnips, carrots,<br>parsnips, beets and<br>onions . . . . . | Sixty Pounds.       |

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|                      |                      |
|----------------------|----------------------|
| Flax Seed.....       | Fifty Pounds.        |
| Hemp Seed.,.....     | Forty-four Pounds.   |
| Blue Grass Seed..... | Fourteen Pounds.     |
| Castor Beans.....    | Forty Pounds.        |
| Salt.....            | Fifty-six Pounds.    |
| Dried Apples .....   | Twenty-two Pounds.   |
| Dried Peaches.....   | Thirty-three Pounds. |
| Malt.....            | Thirty-six Pounds.   |

**Bushel.**      Sec. 50. Upon any sale and delivery of any description of grain or other articles mentioned in the preceding section, and in every contract for the sale or delivery of any such grain or other articles, the Bushel shall be taken and intended to mean the weight of a Bushel, as above regulated, and not a Bushel in measure or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties; and the Minot shall be taken and intended to mean the weight of a Bushel, as above regulated, and not a Minot or Bushel in measure.

**Minot.**

**Bags, tureens, &c.**      Sec. 51. Each bag of potatoes shall contain one minot and a half, heaped measure; the measure called a tureen, commonly used in the retailing of potatoes, peas, and beans in pod, and other such articles, is hereby required to be of the capacity of half a gallon, liquid measure, of the conical form heretofore used; and no person shall sell potatoes in any of the said Markets, or elsewhere, in bags of less quantities, nor shall any person use or employ therein, measures of other or lesser dimensions, than those herein specified, which measures shall, in all cases, be stamped according to law.

**Suspended beams, &c.**      Sec. 52. No Butcher, or other person using suspended beams and scales in any of the said Markets, shall allow any weight or weights, or other thing to remain in the said scales, after he or she, in any instance, shall have finished the weighing of meat or other articles therein, that he or she may deal in; and all beams and scales used by butchers or other persons in the said Markets shall be so placed as to leave, when standing at even beams, a distance of at least three inches between the bottom of each scale and the top of the counter or table over which they are suspended.

Sec. 53. No person or persons who shall sell grain, meal, flour, or any other article whatsoever, by weight or measure, on any of the said Markets, shall refuse to have such weighed or measured by the Clerk of the Market on which the article may be, if the purchaser so desire.

Grain may be weighed by clerk of market.

## Article 6.

### FISH MARKETS.

Sec. 54. The Market Committee, on or before the first day of May in each and every year, shall allot and designate a place in each of the said Markets which shall be kept and used exclusively for the vending of fresh fish; and no person or persons shall sell, or offer for sale, any fresh fish elsewhere in the said City, than in the places so allotted and designated in each Market as aforesaid.

Places where fish may be sold.

Sec. 55. The said Fish Markets shall be under the charge, control and superintendence of the said Clerks of Markets respectively, and shall be kept open during the same hours as the said Markets are hereinbefore directed to be kept open, provided that they shall not be required to be open during any evening; and the said Clerks shall cause the said Fish Markets to be well swept and washed every market-day afternoon; and the said Clerks are hereby authorized to allot stands to persons bringing or exposing fish to sale in the said Markets; and all persons shall obey the orders of the said Clerks in this respect, and in all others, relating to the peace, order, regulations, or arrangements to be observed and maintained in, upon, and in relation to the said Fish Markets.

Rules to be observed on fish markets.

Sec. 56. The Market Committee shall affix such prices for stands in the said Fish Markets, as they may consider reasonable, and lease the same for any time not exceeding one year.

Price of fish stands.

Section 57. No person shall bring to, or expose for sale, on the said Fish Markets, any unwholesome or tainted fish, and any person so doing shall incur the seizure and confiscation of the same, independently of and in addition to,

Unwholesome fish prohibited.

the penalty of fine and imprisonment hereinafter imposed by this By-law, against all persons offending against any of the provisions thereof.

No fish to  
be gutted  
on market.

Sec. 58. No person shall gut or clean fish in any of the said Fish Markets under pain of forfeiture of the fish, over and above the penalty of fine hereinafter imposed for all offences against this By-law.

Fish stands to  
be cleaned.

Sec. 59. All Lessees of stands in the said Fish Markets shall keep them clean and in good order in conformity to the directions of the said Clerks.

## Article 7.

### HAY-MARKETS.

Hay to be taken  
to market.

Sec. 60. No person shall hereafter sell any Hay or Straw, or expose the same for sale anywhere in this City except upon the Hay Markets thereof.

Hay to be  
weighed.

Sec. 61. Every person who shall bring Hay or Straw to any of the said Markets shall be and they are hereby required, to cause immediately thereafter, such Hay or Straw to be weighed by the Clerk of such Market, or his Deputy, and to state, at the same time to such Clerk or Deputy, their own names and those of the proprietors of such Hay or Straw, if they are not themselves the proprietors thereof.

Weight of  
hay, &c.

Sec. 62. All Hay or Straw which shall be sold or delivered within the said City, shall be considered as sold by weight, and when such Hay or Straw shall be sold by the ton, there shall be delivered for each ton, two thousand pounds avoirdupois, and so in proportion for any part of a ton, and when sold by bundles each bundle of Hay if tied or bound with hay-withes shall weigh fifteen pounds, but if tied or bound with switches shall weigh sixteen pounds, and each bundle of Straw shall weigh twelve pounds, avoirdupois, and each load of Hay or Straw, which shall be weighed in bulk, shall be calculated at the rates hereintofore specified, and paid for proportionally; provided that the said Clerks of the several Hay Markets in weighing any load of hay or straw, shall make due allowance



for any extra weight caused by rain or mud in summer, or by snow or ice in winter.

Sec. 63. The proprietor or owner of each vehicle whatsoever, in which Hay or Straw shall be sold on any of the said Markets, shall cause every such vehicle to be weighed and stamped by the Clerk of Hay Market No. 1 on Victoria Square, in the manner hereinafter provided, namely,—the weight of each cart or other vehicle of that description, shall be legibly stamped on the outside of the square of the after part of the shaft, on each side of the said cart or vehicle, and also on the naves of the wheels thereof; and the weight of each sleigh, or other winter vehicle of that description shall be legibly stamped on the fore or curved part of the runners thereof, on the shafts, and on the frame (*brancard*) and on the top-pole (*perche*); and when any unstamped or unweighed vehicle shall be brought to the said Market, the owner thereof, or the person in charge of it, shall deposit with the said Clerk the amount of the charge for the weighing and stamping of such vehicle, with a view that the said owner or person shall return with the said vehicle when unloaded, and have the same duly weighed and stamped; and no person or persons shall take, or cause to be taken, any vehicle whatsoever, loaded with Hay or Straw, to the said Market, oftener than once, without having the same duly weighed and stamped, and the said Clerk is hereby enjoined to preserve in writing, a memorandum of the names of the owner or owners, person or persons, having charge of all unweighed and unstamped vehicles, and make such mark upon such vehicles, when brought for the first time to the said Market, as to render them afterwards easily recognized.

Vehicles to  
be stamped.

Sec. 64. The said Clerk shall be entitled to demand and receive, for and on behalf of the Corporation, for the stamping of each and every vehicle in manner aforesaid, the sum of Twenty Cents.

Fee for  
stamping.

Sec. 65. The said Clerks of the several Hay Markets shall deliver to every person having a load of Hay or Straw weighed in any of the said Markets, a Certificate of the

Certificate of  
weight.

weight of the same, signed by them respectively, in the following terms, viz :

Hay Market (Nos. 1, 2, 3, 4 or 5, as the case may be.)  
Montreal, 18

Load of Hay or Straw (as the case may be.)

Gross weight ..... lbs.

Weight of the vehicle ..... lbs.

Tare ..... lbs.

Net weight..... lbs.

Equal to bundles of 15 lbs., or 16, or 12 lbs. (as the case may be.)

Clerk of Market.

Charges for weighing

Sec. 66. The said Clerk shall be entitled to demand and receive, for and on behalf of the Corporation, for the weighing of each and every load of Hay or Straw, and granting a certificate of the Weights of the same, the following charges, namely :

Firstly,—For the weighing of every load of Hay or Straw, not exceeding Six Hundred Pounds, Seven and a half Cents.

Secondly,—For the weighing of every load of Hay or Straw over Six Hundred Pounds, and not exceeding Nine Hundred Pounds, Ten Cents.

Thirdly,—For the weighing of every load of Hay or Straw over Nine Hundred Pounds, and not exceeding Twelve Hundred Pounds, Twelve and a half cents.

Fourthly,—For the weighing of every load of Hay or Straw exceeding Twelve Hundred Pounds, and not exceeding Sixteen Hundred Pounds, Seventeen and a half Cents.

Fifthly,—For the weighing of every load of Hay or Straw over Sixteen Hundred Pounds, Twenty Cents.

Damaged hay.

Sec. 67. All persons are hereby prohibited to practice any fraud or deception, either directly or indirectly, in the Weighing or Weight of Hay or Straw, or to pass or sell Injured or Damaged Hay or Straw as good or merchantable; and the said Clerks of Hay Markets are hereby empowered to Re-weigh any Hay or Straw, or the vehicle containing it, in respect to the weight of which they may have reason to suspect that fraud has been practised.

Sec. 68. No person or persons shall sell Hay or Straw within the City, unless the same has been weighed at one of the Markets thereof, and unless the person or persons selling the same be provided with a certificate of the weight of such Hay or Straw obtained from and signed by the Clerk of the Market on which the same shall have been weighed.

No person to  
sell hay unless  
weighed, &c.

Sec. 69. While any vehicle or vehicles loaded with Hay or Straw shall remain on any of the said Markets, no person or persons whomsoever shall rake or collect together any Hay or Straw lying thereon; nor shall any person or persons carry, or attempt to carry, any of the same away.

Gathering hay  
on market pro-  
hibited.

Sec. 70. All persons bringing or offering Hay or Straw for sale on any of the said Markets shall occupy such stand, and place themselves thereon, in such a manner as directed by the said Clerks; and shall in all other respects relating to the Peace, Order, Management, Regulations and Business of the said Markets, obey all orders, directions, and requirements, that may be given or made, on the said Markets, by the Clerks thereof, or their Deputies or Assistants.

Vehicles to be  
ranged by direc-  
tion of clerk.

Sec. 71. No Certificate of Weight shall be valid for any longer period than the day on which it bears date; but Hay or Straw brought to the City in any duly stamped vehicle, when weighed at any of the said Markets, may be sold on any other of the said Markets with the Certificate obtained on the Market where weighed, provided that no fraud, deception, misrepresentation or guile, is attempted, intended or practised in so doing,—and provided, also, that until the vehicle on which Hay or Straw is brought for sale to this City shall have been weighed and stamped, such Hay or Straw must in all cases be first taken in such vehicle to the Hay Market on Victoria Square, that it may be there weighed by the Clerk thereof, and the said vehicle marked or stamped in the manner hereinbefore provided.

Certificate valid  
for one day.

Proviso.

Sec. 72. It shall be the duty of the Clerks of the said Hay Markets to remain at the Weigh-houses thereon, every day, Sundays and Holidays excepted, during Market hours.

Duties of clerks.

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**Article 9.****PENALTY.**

Sec. 78. Any and all persons offending against any of the provisions of this By-law, shall forfeit and pay a Fine or Penalty not exceeding Twenty Dollars, and be liable to an Imprisonment not exceeding Thirty Days for each and every offence.

**CHAPTER XX.****By-Law in relation to Masters and Apprentices.**

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. All Apprentices and Servants, of either sex, or Journeymen, bound by act of Indenture or written contract or agreement, and all servants of either sex, or Journeymen, verbally engaged before one or more witnesses for one month, or for any longer or shorter period, who shall be guilty of ill behaviour, refractory conduct, idleness, or of deserting from their service or duties, or of absenting themselves by day or night, without leave, from their said services, or from the house or residence of their employers, or who shall refuse or neglect to perform their just duties, or to obey the lawful commands which shall be given them by their masters or mistresses, or who shall be guilty of any fault or misdemeanour in the service of their said masters or mistresses, or of any unlawful act that may affect the interest or disturb the domestic arrangements of their said masters or mistresses, or who shall be guilty of dissipating their masters' or mistresses' property or effects, shall be liable, upon conviction before the Recorder's Court, to a Penalty not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each and every offence.

Apprentices  
guilty of mis-  
conduct, &c.,  
liable to penalty

Servants to give notice of intention to quit.

Masters also to give notice.

Proviso.

Sec. 2. Every Domestic, Servant, Journeyman, or Labourer, engaged for a fixed period, by the month or for a longer space of time, and not by the piece or job, who shall intend to quit the service in which he or she shall be during that time engaged, shall give, or cause to be given, notice of such intention at least fifteen days before the expiration of such agreement, to his or her master or masters, mistress or mistresses, employer or employers. And if any of the said persons quit the service of his or her said master or masters, mistress or mistresses, employer or employers, without giving such notice, (although the time thereof be expired,) he or she shall be considered as having deserted from the said service, and be punished accordingly; and every master, mistress, or employer shall give to his or her Servants, Journeymen or Labourers like notice of his or her intention no longer to keep or employ them, after the expiration of their time of service. Provided always, that every Domestic Servant, Journeyman and Labourer engaged for a time, may be discharged by his or her master, mistress or employer at or before the expiration of his or her engagement, without notice, upon full payment of the wages which he or she would have received for all the time of his or her service. If the time shall be expired, the person so discharged without notice shall be entitled to fifteen days' additional wages, to wit, for the period of time that he or she was entitled to have received notice.

Servants deserting service subject to penalty.

Sec. 3. Any and every Domestic, Servant, Journeyman, or Labourer, engaged as aforesaid by the month, or longer space of time, or by the piece or job, who shall desert or abandon the service for which he, she or they shall have been engaged before the time agreed upon shall have expired, and without having given fifteen days' notice as aforesaid, or who shall desert or abandon the said job before the completion thereof, shall for each and every offence be liable to a Fine or Penalty not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days.

Penalty for enticing servants to quit their employ, &c.

Sec. 4. Any and all persons designedly harbouring, or concealing, or enticing, any Apprentice or Servant engaged by

written act or agreement, or otherwise, who shall have abandoned the service of his or her master or mistress, or instigating or engaging any Apprentice or Servant to abandon such service, shall be liable to a Fine or Penalty not exceeding Twenty dollars, and to an Imprisonment not exceeding Thirty Days for each and every offence.

Sec. 5. Any Apprentice, Domestic, Servant, or Journeyman, bound or engaged as aforesaid, having any just cause of complaint against his or her master, or mistress, or employer, for any mis-usage, defect or insufficiency of wholesome provisions or food, or for cruelty or ill-treatment of any kind, may cause such master or mistress to be summoned and to appear before the said Recorder's Court, to answer the complaint to be preferred against him, her or them, by the said Apprentice, Domestic, Servant, or Journeyman; and any and every master or mistress convicted upon such complaint, of any offence aforesaid, towards his, her or their Apprentice, Domestic, Servant, or Journeyman, shall upon each and every conviction be liable to a Penalty not exceeding Twenty dollars, or to an Imprisonment not exceeding Thirty Days.

Recourse of servant against master for ill-treatment, &c.

## CHAPTER XXI.

### By-Law concerning Nuisances.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

Sec. 1. Every lot of land whereon no building is erected, on the line of any public street or lane in this City, shall be, on the line of such street, enclosed with a stone or brick wall, or with a wooden fence, at least six feet, French measure, in height, above the level and on the line of such street, as fixed and determined by the City Surveyor, with posts properly put up, so that the said fence shall not lean over or encroach upon the said street or lane.

Vacant lots to be enclosed.

After fifteen  
days notice.

Sec. 2. Every proprietor of such vacant lot of land, or his agent, or the person having or assuming the care of such lot of land, or any occupant thereof, shall be bound to make and erect, or cause to be made and erected, such wall or fence within fifteen days after such proprietor, agent or occupant shall have been notified so to do by the City Surveyor or his Deputy.

Penalty.

Sec. 3. Every proprietor or his agent, or person having the charge of, or the occupant of any such lot of land, who shall neglect or refuse to make and erect, or cause to be made and erected, such wall or fence within the delay aforesaid, shall incur and pay a Fine not exceeding Twenty Dollars, or shall be subject to an Imprisonment not exceeding Thirty Days for such refusal or neglect, and shall moreover be liable to another Fine not exceeding Twenty Dollars, or to another Imprisonment not exceeding Thirty Days, for each and every day during which the said lot shall remain, after the aforesaid delay, without being enclosed as hereinabove ordered.

City Surveyor  
to fence in lots  
in certain cases

Sec. 4. It shall be the duty of the City Surveyor, if such lot of land be not enclosed, as above stated, within the delay hereinbefore fixed, or in case the proprietor thereof can not be found, to cause the said lot to be enclosed with a wooden fence at the costs and charges of the proprietor or the person having or assuming the care thereof.

Lots having  
stagnant water,  
&c., to be  
drained.

Sec. 5. Whenever there shall be on any lot of land in the said City of Montreal stagnant or putrid water, or any filthy, infected or putrid matter, or the said lot shall be offensive or dangerous to the public health, it shall be the duty as well of the occupant as of the proprietor of the said lot, or the agent of the proprietor thereof, or of any person having or assuming the charge thereof, to fill up, level or drain the same, as the case may be, or to remove the offensive, infected or putrid matters thereon, without the necessity of a notice to that effect; and any such proprietor, agent, occupant or person having the charge of the said lot, who shall neglect during two days to remove and abate such nuisance shall be liable to a Penalty not exceeding Twenty Dollars currency for each

Penalty.



and every day of delay in draining, filling up or levelling the said lot, or in removing the said offensive, infected or putrid matter.

Sec. 6. It shall be the duty of the City Surveyor after the expiration of the delay prescribed for the removal or abatement of such nuisance, to cause to be done on the said lot of land, at the cost and charge of the proprietor, or the person having or assuming the charge of the said lot, whatever may be necessary for removing or otherwise abating the said nuisance, either by causing drains to be made thereon or by filling up the said lot, or by removing or otherwise abating the offensive, infected or putrid matters.

City Surveyor's  
duty if nuisance  
be not abated.

Sec. 7. No person shall, in any manner, carry, convey, deposit or place, or cause to be carried, conveyed, deposited or placed into, or upon, any premises, or lot of land, in this City, or into, or upon, any public square, street, lane or other place whatsoever in this City, any dead carcass, ordure, filth, dirt, dust, or any offensive matter or substance whatever; and no person shall commit any nuisance, or cause or permit any such to be committed, into, or upon, any such premises or lot of land, public square, street, lane, or other place whatsoever in this City, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, or both, for each and every offence: Provided that nothing herein contained shall prevent the deposit of dust, rubbish, and the sweepings of streets and yards in those places within the said City, specially set apart by the Council for that purpose.

Penalty for de-  
positing  
nuisances.

Sec. 8. In carting, carrying, or conveying any ordure, filth, dirt, dust, or any offensive matter or substance whatever, through any public square, street or lane, no part thereof shall be allowed to drop or fall from the vehicle carting, carrying or conveying the same; and for every offence against the provisions hereof, the owner of the said vehicle, as well as the driver or person in charge thereof, shall be liable to a Fine not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, or both.

In carting filth,  
none to be  
dropped in  
street.

|  |  |
|--|--|
| Offensive premises.                      | Sec. 9. If any person shall own, occupy or keep any lot of ground or other premises in such bad and filthy condition as to be offensive and a nuisance to the neighborhood or to any person or family, such person shall be subject to a Fine not exceeding Twenty Dollars, and to like fine for every day such nuisance shall continue after notice to abate the same.  |
| Penalty.                                 |  |
| Putrid substances.                       | Sec. 10. Any soap boiler, tallow chandler, butcher, or other person who shall keep, or collect, or cause to be kept or collected, any stale, putrid or stinking fat, grease or other matter shall be subject to a Penalty not exceeding Twenty Dollars for each offence.   |
| Penalty.                                 |  |
| Soap factories, tallow chandleries, &c.  | Sec. 11. Any owner or occupant of any tallow chandler's shop, soap factory, tannery, slaughter house, stable, or grocery, who shall suffer such establishments or premises to become nauseous, foul or offensive, shall incur a Fine not exceeding Twenty Dollars, or be subject to an Imprisonment not exceeding Thirty Days, for each offence.   |
| Yards to be kept clean.                  | Sec. 12. Every occupant of a house in the said City, shall keep the yard or premises therewith connected, in a clean state, and free from filth or offensive substances, and shall collect in one place, in such yard or yards, all the house dirt or offal, under a Penalty not exceeding Five Dollars for each offence: Provided that when the accumulation of such dirt or offal shall be equal to a load, or become offensive, it shall be removed, under a like Penalty.                                      |
| Privies.                                 | Sec. 13. Every lot or premises in the said City on which may be erected a dwelling house, shall have connected therewith a privy or privies, with sufficient vaults sunk in the ground; and the owner of any such lot or premises who shall neglect or refuse to cause such privy or privies to be constructed thereon, within two weeks after such owner or owners shall have been notified so to do, by any Police Officer, shall incur and pay a Fine or Penalty not exceeding Twenty Dollars for each offence. |
| Privies not allowed to become offensive. | Sec. 14. Whenever any Privy in the said City shall become offensive, or the contents thereof shall reach within twelve inches of the surface of the earth, the proprietor or   |

the occupant of the premises on which the said Privy shall be situated, or to which it may be attached or belong, shall cause the same to be cleaned or emptied within six days after notice shall have been given to the said proprietor or occupant, of the offensive state of such Privy or the necessity for the same being cleaned or emptied, under a Penalty not exceeding Twenty Dollars, for each and every neglect or refusal so to do.

Sec. 15. The occupant of any house or building in the said City, who shall permit or cause to be discharged, by any channel or gutter, or in any other way whatsoever, from such house or building, into any street, square, lane, or highway, in the said City, any dirty or stinking water, or any thing that may cause public inconvenience or annoyance, shall incur and pay a Fine or Penalty not exceeding Five Dollars for each offence. Dirty water from premises.

Sec. 16. Any occupant of any house or building in the said City, who shall throw, or permit to be thrown, any dirty water, ashes, soot, snow, or ice, or any sweepings, rubbish, dirt or filth whatsoever, into any square, street, lane, or highway, in the said City, shall pay a Fine not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours for each offence. Ditto thrown into street.

Sec. 17. Any person who shall keep any swine, dogs, foxes, or other such animals on their premises, in the said City, shall maintain the houses, buildings, or pens in which the same shall be kept in such a clean state that the neighbours and passengers may not be incommoded by the smell therefrom, under a Penalty not exceeding Ten Dollars for each offence. Swine, &c.

Sec. 18. The owner of every animal that shall die or be found dead in any of the streets, squares, lanes, highways, or on any enclosed or unenclosed ground in the said City, shall immediately cause such animal to be buried, at least three feet below the surface of the earth, under a Penalty not exceeding Ten Dollars for each offence : and any person who shall throw any such dead animal into any ditch, pond, canal, Dead animals.

or stream or sewer, or in the river opposite the said City, shall incur and pay a Fine not exceeding Ten Dollars, and an Imprisonment not exceeding Eight Days for each offence : and whenever the owner of such animal, or the person committing the offence aforesaid, cannot be discovered, it shall be the duty of the Police Officer of the district to cause the removal of such nuisance.

Police officers  
to enforce this  
By-law.

Authority to  
visit premises.

Penalty.

Sec. 19. It shall be the duty of the Chief of Police, and of the officers and men under his command, to enforce or cause to be enforced, all the provisions of this By-law ; and for that purpose the said Chief of Police, and the said officers and men of the Police Force are hereby severally and collectively authorized to visit and examine any house, lot, premises, or building in this City ; and any person who shall obstruct, hinder or oppose them, or any of them in the discharge of such duty, shall incur and pay a Fine not exceeding Twenty Dollars, and be subject to an Imprisonment not exceeding Thirty Days, for each offence.

## CHAPTER XXII.

### By-Law establishing and regulating the Police Department of the City of Montreal.

**B**E it ordained and enacted by the Council of the City of Montreal as follows :

Strength of the  
Police Force.

Sec. 1. A Police Department is hereby established for the City of Montreal, which shall consist of one Chief of Police, two Sub-Chiefs, one Recording Secretary, four Sergeants, eight Acting Sergeants, two Detectives, one Orderly, and one hundred and six fit and able-bodied Men or Constables, who shall be armed with fusees, or light muskets, and bayonets, to be used only in cases of great emergency ; the Chief of Police and Subordinate Officers shall also be armed with swords :

provided that nothing herein contained shall prevent the said Council, from time to time hereafter, whensoever it may be considered expedient, by resolution thereof only, and without the necessity of any By-law, either to diminish the said Force and the Officers thereof, or to increase the same, or to effect any change therein, that may be desirable or necessary.

Sec. 2. The appointment of the Chief of Police, and the Sub-Chiefs of the said Force, shall in all cases be made by the Council ; but the appointment of the Secretary, the Sergeants, Acting Sergeants, Detectives and Policemen or Constables of the said Force shall be made by the Police Committee ; the said Police Committee may, from time to time, with the approbation of the Council, make such orders and regulations as they shall deem expedient, relative to the general government of the officers and men of the said force, their places of residence, their classification and particular service, their distribution and inspection, the description of arms and necessities to be furnished to them, and all such other orders and regulations relative to the said force, as the said Committee shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties : and the said Police Committee may at any time suspend or dismiss from the said force any Policeman or Constable belonging thereto, who shall be remiss or negligent in the discharge of his duty, or otherwise unfit for the same : Provided that the power granted to the Police Committee of appointing, suspending, or dismissing Policemen or Constables as aforesaid, may be exercised by the Chief of Police, whensoever authorized so to do by the concurrent majority of the said Committee.

Appointments  
in the force,  
how made.

Sec. 3. The City of Montreal shall be divided into two Police Districts, to be known as the "*Eastern*" and "*Western*" Districts, with such line of division as may be determined upon by the Police Committee. There shall be one Central or Head Station, wherein shall be kept the office of the Chief of Police, and the books, papers, and records of the Department ; and such other Branch or Auxiliary Stations as may be established by the said Council.

City divided  
into Police  
Districts.

Police Stations.

Police Stations,  
under whose  
control.

Sec. 4. The Stations, and the Dwellings connected therewith, shall be under the immediate control of the Police Committee, and subject to such orders as they may deem advisable, in the interest of the Department.

Chief of Police.

His duties.

Sec. 5. The Chief of Police shall be the chief executive officer of the Police Department, and shall direct the same; and he shall obey, and cause all members of the Police Department under him to obey the Rules, Orders, and Regulations prescribed by the Police Committee or the Council. He shall be responsible for the efficiency, general conduct, and good order of the Department. It shall be his duty to cause the public peace to be preserved, to secure the protection of property, and to see that all the Laws and Ordinances are enforced; and whenever any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made, and see that the evidence is procured for the successful prosecution of the offender or offenders. In case of tumult, riot, insurrection, or threatenings thereof, he shall take command in person of the Police Force, and direct their movements and operations in the discharge of their respective duties. He shall attend at the Police Office at such times as may be prescribed by the Police Regulations, and he shall keep, or cause to be kept and made, all such Records, Registers, Books, and Reports concerning the affairs and operations of the Police Department as may be designated, by, and in the manner and at the times required by the Police Committee.

Shall cause  
records to  
be kept.

Sub-chiefs  
of Police.

Their duties.

Sec. 6. The Sub-Chiefs of Police shall have the general charge of the Police Stations in their respective District, and, with their Sergeants, shall be responsible for the cleanliness, general condition and good order of the Police Stations within their jurisdiction; they shall require the Policemen to be clean in their persons; their particular attention shall be directed to instructing the Sergeants and Policemen in the performance of their respective duties, and rendering them familiar with the Municipal Laws and the Regulations of the Department; and they shall be accountable for the regular,

efficient and faithful performance, by the Force under their control, of the various duties devolving upon them.

Sec. 7. The Recording Secretary shall be stationed at the Chief's Office: he shall have charge of all the Police Books, Papers, and Records; he shall correctly make out and keep all the Accounts of the Department, and shall examine and check all Books of Accounts to be kept at the several Stations; he shall prepare Monthly Statements of all Receipts and Disbursements of the Department, and shall transmit at the end of every month a copy thereof to the City Treasurer, who shall submit the same to the Police Committee; he shall, under the directions of the Chief of Police, conduct the correspondence of the Office, and perform such other duties as may be required of him by the Police Committee or the Chief of Police.

Recording  
Secretary—  
his duties.

Sec. 8. The Sergeants, the Acting Sergeants, and the several Policemen of each Police District shall promptly and implicitly obey all orders they may receive from the Chief or Sub-chiefs of Police.

Sergeants and  
acting Ser-  
geants.

Sec. 9. The several Officers and Policemen, appointed as aforesaid, are required to devote their undivided attention to the preservation of the peace, quiet, and good order of the City, and the enforcing of the By-laws thereof; they shall severally report themselves for duty at such times and places as may be required by the Rules and Orders of the Department, and render such prompt and energetic assistance as may be required of them, or the exigency of the service may demand. It shall be the duty of each and every Constable strictly to conform to all Regulations and Orders of the Department; and every Constable, while doing regular duty and service as Policeman, shall perform the same services, be subject to the same regulations, and receive such compensation as may be fixed by the Council; and while so doing regular duty shall not do any other business or service that will interfere with his duties as Policeman.

Police con-  
stables—  
duties of.

Sec. 10. The several Policemen or Police Constables shall have power to arrest all persons in the City found in the act

Powers of  
policemen.

To serve  
warrants.

of violating any Law or Ordinance, or aiding and abetting in any such violation ; and shall arrest all persons found under suspicious circumstances ; and shall take all such persons so arrested to the Police Stations. They shall have power and authority in the City to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for Examination or Trial, or taken in Execution for the commission of any crime or misdemeanour, or violation of any of the City By-laws ; and while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred on Constables at Common Law.

Police empowered to enter houses and make arrests.

Sec. 11. The Chief of Police, Sub-Chiefs, Sergeants, Police Constables, and Policemen, respectively, shall have power and authority to enter into any house, store, grocery, tavern, shop, or other building whatever, or into any yard or premises in the said City, in which any person or persons may reasonably be expected to be for unlawful purposes ; and if any person or persons shall be found therein, guilty of any crime or misdemeanour, or violation of any By-law for the preservation of the peace and good order of the City, or who may reasonably be suspected thereof, or who shall be aiding or abetting such person or persons so found, said Police Officers shall apprehend and keep in custody such person or persons, as in cases of other arrests made by the Police Officers.

Prisoners, how disposed of.

Sec. 12. All prisoners brought to the Police Stations, charged with the commission of any offence or misdemeanour, shall be brought before the Recorder, to be by him disposed of according to law.

Register of prisoners' names, &c.

Sec. 13. A Register shall be kept in the Central Station, wherein shall be entered the names of all prisoners arrested in the City, their age, nationality, residence and occupation, by whom reported, the nature of the crime or offence committed, and the amount of money found upon their persons.

Oath to be taken by Police officers.

Sec. 14. Every Police Officer, or Constable appointed in the said Force, shall, previous to exercising any function of



his office, take and subscribe, before the Recorder or other person legally authorized to administer the same, an oath that he will faithfully, impartially and honestly, according to the best of his skill and knowledge, execute all the powers and duties of Constable, for preserving the peace and preventing robberies and other felonies, and apprehending offenders against the peace in the District of Montreal, which said oath shall be recorded in a Book to be kept for that purpose in the office of the Recorder's Court.

Sec. 15. The Police Officers or Policemen shall not engage in any business which may withdraw their attention from the Police Service, or unfit them for the duties required of them, and they shall not absent themselves from duty without the permission of the Chief of Police. The Policemen are expected to be usually employed in regular service ; but the Mayor, the Police Committee, or Chief of Police, whenever in their opinion the Public service requires it, may detail any number of the Officers and Policemen for any special or particular duty connected with the Police Service of the City, and they may require any of the Constables or Policemen to do duty at any time of the day or night.

Policemen not to engage in business.

Special duties of police.

Sec. 16. The City Council shall fix the compensation to be paid to the Chief of Police, Sub-Chief, Recording Secretary, Sergeants, Police Constables and Policemen, and may from time to time alter or change such compensation. The Chief of Police shall keep, or cause to be kept, a Register showing the name of every officer and man employed in the Department, and also the number of days and parts of days actually served on regular duty by each Police Officer or man, as aforesaid, and shall certify such time served to the Police Committee, who shall order a warrant or warrants to be drawn on the City Treasurer for the amounts due according to the rates fixed by the said Council. All claims for extra services by any of the said persons shall be presented to the said Police Committee for allowance, before settlement.

Council to fix compensation.

Register of service.

Sec. 17. The Police Committee are hereby authorized and required to make and establish such rules and regula-

Committee to establish police rules.

tions (to be styled "Police Rules") for the government and control of the Members of the Police Department, as may be deemed expedient and proper to carry out the objects of this ordinance, and with a view to making the Police Department and all the Officers and Agents appointed under it, efficient, vigilant, prompt and useful to the City. The "Police Rules" may prescribe the duties of the several Police Officers and men, more specifically than is herein contained, and may provide such penalties and forfeitures, such as suspension from pay, fine, not to exceed one week's pay, and reprimand, as may be deemed necessary and expedient for the proper regulation of the different portions of the Department. All the Rules and Regulations made in pursuance hereof, shall be in writing, and signed and filed in the office of the City Clerk, and shall be binding on all the Officers and men connected with the Department, after notice thereof. A written or printed copy of such Rules shall be delivered to each Member of the Police Department, and copies shall be posted conspicuously in the Police Office and Police Stations in the City, and such delivery and posting shall be deemed notice of the making thereof to the Members of the Department.

All persons to  
assist police-  
men.

Sec. 18. It shall be the duty of all persons in the City, when called upon by any Police Officer or other Member of the Police Department, to promptly aid and assist him in the execution of his duties. Whosoever shall neglect or refuse to give such aid and assistance, shall be subject to a Fine not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days for each offence.

## CHAPTER XXIII.

## By-Law to Preserve Public Peace and Good Order.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. All riots, noises, disturbances, or disorderly assemblages, are hereby prohibited in this City: and all persons making or creating any riot, noise, disorder, or disturbance, or forming part of any disorderly assemblage anywhere within the limits of the said City, shall incur the Penalty hereinafter provided. Riots, &c., prohibited.

Sec. 2. No person shall disquiet or disturb any Congregation or assembly met for religious worship, by making a noise or by rude and indecent behaviour, or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting. Religious worship not to be molested.

Sec. 3. No person shall wilfully give or make a false alarm of fire or watch, or shall employ any Bellman, or use or cause to be used any bell, horn, or bugle, or other sounding instrument (save and except at any religious or military ceremony or procession) ; or shall employ any device, noise or performance tending in either case, to the collection of persons on the streets, sidewalks, or other public places, to the obstruction of the same, for any purpose whatsoever, without permission of the Mayor in writing. False alarms of fire, &c.

Sec. 4. Any person who shall offend against any of the provisions of this By-law shall, for each offence, incur a Penalty not exceeding Twenty Dollars, in addition to which the Recorder's Court, before whom conviction may be had, shall have power to cause the offender or offenders to be imprisoned in the Common Gaol or in the House of Correction at hard labour, for a period not exceeding one calendar month. Penalty.

## CHAPTER XXIV.

## By-Law concerning Public Squares.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

**Place d'Armes.** Sec. 1. The public ground lying in front of the Roman Catholic Parish Church, and intervening between Notre Dame and St. James Street, in the Centre Ward of this City, shall be known and designated as "Place d'Armes."

**Jacques Cartier square.** Sec. 2. The space of ground lying and situate in the East Ward of this City, between Notre Dame Street on the north-west, and Commissioners Street on the south-east, and comprising Fabrique and St. Charles Streets, along with the space of ground between these two last named streets, shall be known and designated as "Jacques Cartier Square."

**Dalhousie square.** Sec. 3. The public ground comprising the north-eastern extremities of Notre Dame and St. Paul Streets, in the said East Ward, as far as Lacroix Street, with the open space intervening between the two first named streets, and also the vacant ground lying north-west of Notre Dame Street, the whole as now bounded, shall be known and designated as "Dalhousie Square."

**Custom House square.** Sec. 4. The public ground in front of the Custom House, extending as far as Commissioners Street, in the Centre Ward of this City, shall be known and designated as "Custom House Square."

**Victoria square.** Sec. 5. The vacant space of ground forming the continuation of McGill Street, as far as Vitré Street, and including the public ground formerly known as Commissioners and Haymarket Squares, in the St. Antoine and West Wards of this City, shall be known and designated as "Victoria Square."

Sec. 6. The public ground comprised between St. Denis, <sup>Viger square.</sup> Craig, St. Hubert, and Dubord Streets, with the vacant space on the south-west side of St. Denis Street, forming the continuation of the square herein referred to, shall be known and designated as "Viger Square."

Sec. 7. The public ground extending from St. Mary <sup>Papineau square.</sup> Street to Papineau Road, in the St. Mary's Ward of this City, shall be known and designated as "Papineau Square."

Sec. 8. The public ground formed by the intersection of <sup>Chaboillez square.</sup> St. Maurice, Inspector, and Chaboillez Streets with St. Joseph Street, as now bounded and comprised in the St. Antoine and St. Ann's Wards, shall be known and designated as "Chaboillez Square."

Sec. 9. The public ground at and adjoining the intersection <sup>Richmond square.</sup> of St. Antoine and Richmond Streets, as now bounded, in the St. Antoine Ward of this City, shall be known and designated as "Richmond Square."

Sec. 10. The public ground intervening between Beaver <sup>Beaver Hall square.</sup> Hall Terrace and Phillips Place, with a portion of Dorchester Street as boundary on the south-east side thereof, in the St. Antoine Ward of the said City, shall be known and designated as "Beaver Hall Square."

Sec. 11. The public ground lying and situate in the said <sup>Phillips square.</sup> St. Antoine Ward, bounded by Cathcart Street, Union Avenue and St. Catherine Street, on the south-east, south-west and north-west, and by Phillips Place on the north-east side thereof, shall be known and designated as "Phillips Square."

Sec. 12. The public ground in front of St. James' Church, <sup>St. James' square.</sup> lying and situate in the St. Louis Ward of the said City, bounded by St. Denis Street on the north-east, and by private property on the south-east, south-west and north-west, shall be known and designated as "St. James' Square."

Sec. 13. The public ground extending from St. Mary <sup>Parthenais square.</sup> Street to Parthenais Street as now bounded, in the St. Mary's Ward of this City, shall be known and designated as "Parthenais Square."

Games prohibited in squares.

Sec. 14. No person shall play at ball, cricket, or at any other game or play whatever, in any of the inclosed public squares or grounds in this City, under a Penalty not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours for every offence.

No person to injure trees, grass, &c. on squares.

Sec. 15. No person shall walk, stand or lie upon any part of any of the enclosed Public Squares or grounds laid out and appropriated for shrubbery or grass; or pull up, break down, remove or injure any of the trees, grass, shrubbery, flowers, fences or other fixtures or things in and about, or pertaining to any inclosed Public Square or ground, under a Penalty not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours for every offence.

Duties of City Surveyor in relation to squares.

Sec. 16. It shall be the duty of the City Surveyor to superintend all inclosed Public Squares or grounds, and keep the fences thereof in repair, the walks in order, and the trees properly trimmed. He shall likewise cause printed or written copies of the second and third Sections of this ordinance to be posted in the said squares or grounds.

## CHAPTER XXV.

### By-Law concerning Public Pounds.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

No horse, cattle &c., to run at large.

Sec. 1. No Horse, Cattle, Swine, Hog, Sheep, or Goat, shall be permitted to run at large at any time in the City, or graze, browse, or feed upon any of the streets, squares, lanes, alleys, or public places of this City, under the following Penalties against the owners or keepers, or persons having charge of the same, viz.:

Penalty.

---

|   |        |
|---|--------|
| For each Stallion, Bull, Boar, or Ram . . . | \$1 00 |
| “ Hog or Swine . . . . .                    | 0 50   |
| “ Gelding, Mare, Ox, or Cow . . . .         | 0 25   |
| “ Colt, Filly, Calf, or Goat . . . . .      | 0 20   |
| “ Sheep . . . . .                           | 0 10   |

Sec. 2. Public Pounds shall be, and they are hereby established in this City, as follows, viz.: one at the Cattle Market, in the St. James' Ward; one at the St. Gabriel Market, in the St. Ann's Ward, of the said City, and one at each of the Police Stations in the said City; and the Clerks of the said Markets, for the time being, and the Sergeants or Policemen, on duty at the said Stations, shall have charge and act as Keepers of the said Pounds respectively.

Public pounds established.

Sec. 3. All Horses, Cattle, Swine, Hogs, Sheep, or Goats found at large within the said City, or grazing, browsing, or feeding upon any of the streets, squares, lanes, or alleys of the said City, may be taken by any person or persons and driven or carried to either of the said Pounds, or to any Police Station in the said City, for delivery at the nearest Pound; and it shall be the duty of the Pound-keepers, or persons having charge of such Pounds, to receive and impound the same, and to enter in a book to be kept by them for that purpose, the names and places of abode of all persons who may bring any such horse, cattle, swine, hog, sheep, or goat to such Pounds, and the time of bringing the same respectively; and the said Pound-keepers shall pay to the persons bringing any such horse, cattle, swine, hog, sheep, or goat to such Pounds, one half of the penalty incurred for each and every animal as hereinbefore provided for.

Impounding animals.

Duties of pound keepers.

Sec. 4. It shall be the duty of all Constables of the Police Force of the said City, whenever they see or meet any horse, cattle, swine, hog, sheep, or goat running at large in contravention of this By-law, or whenever their attention is directed by any Citizen to any such animal running at large as aforesaid, to immediately drive the same to the nearest Pound.

Duty of policemen.

Sec. 5. If the owner of any such horse, cattle, swine, hog, sheep, or goat, or any other person entitled to redeem

Impounded animals may be redeemed.

the same, shall appear and claim such animal at any time before the sale thereof, it shall be the duty of the Pound-keeper to deliver the same, on receiving the amount in full of the penalty and necessary expenses incurred for each and every animal.

Duty of pound  
keeper on  
delivering the  
same.

Sec. 6. It shall be the duty of the Pound-keepers, on making delivery of any animal so impounded, before sale, or on payment of surplus money after sale, to obtain from the person or persons claiming the same, his, her, or their name or names, and residence, and to enter the same in a book, together with the date when such animal was left, and the date when the same was sold or redeemed, as the case may be.

Notice of sale.

Sec. 7. If no person shall appear to claim such animal or animals so impounded, within five days after the same may have been impounded, or if the person claiming such animal shall refuse or neglect to pay the penalty and necessary expenses incurred thereon, it shall be the duty of the Pound-keeper to give at least three days' notice of the sale thereof.

Form of notice.

Sec. 8. Such notice shall contain a general description of the animal or animals impounded, and shall be posted up in some conspicuous place at the Public Pound where the same shall have been impounded, and also at the several public Markets in the said City.

Animals  
may be sold.

Sec. 9. If, at the expiration of the time specified in the said notice, no person shall appear to claim the animal or animals therein specified and referred to, or if any person shall appear to claim the same, but shall refuse or neglect to pay the penalty and necessary expenses accrued on such animal or animals, the same shall be offered to public competition and sold to the highest bidder by the Pound-keeper at the Pound where the said animal or animals are kept.

Animals may  
be sold if not  
paid for.

Sec. 10. If, after the sale of any animal as aforesaid, the purchaser does not immediately pay the price thereof, the Pound-keeper may forthwith cause the animal to be resold, and so continue to do until the price is paid, and shall only give up possession after such payment.



Sec. 11. In case of the sale of any impounded animal or animals, the said Pound-keeper shall retain out of the proceeds of such sale, sufficient to pay the amount of the penalty, and all necessary expenses incurred by him on account of the said animal or animals.

Proceeds of sale,  
how applied.

Sec. 12. If, after such sale, and whilst the proceeds thereof remain in the hands of the Pound-keeper, the former owner of any animal or animals so impounded and sold, shall appear and claim the proceeds of such sale, it shall be the duty of the Pound-keeper to deduct from the proceeds of such sale the penalty, and expenses, as provided in the last preceding section; to ascertain the name and residence of such owner, and to pay over the balance of the proceeds of such sale, if any, to the person so claiming to be the owner, upon satisfactory proof of ownership being given to such Pound-keeper.

Owner of animal may redeem the same by paying fees.

Sec. 13. It shall be the duty of each and every Pound-keeper, at the end of each month, to make out and present to the City Clerk a full and detailed report, showing the number of animals received into and discharged from the Public Pound during the year; the particular date when each animal was so received and when each was discharged, and whether the same was redeemed or sold, and if redeemed, how much was received by him on account of such animal, and the name of the person from whom it was received, and if sold, how much was paid therefor, the name of the purchaser and the amount of the Pound-keeper's expenses thereon, and the balance, if any, remaining over and above such expenses, and to whom paid, and the balance of such moneys remaining in his hands, which balance, if any, shall, prior to making such report, be paid over to the City Treasurer.

Monthly returns to be made by pound keepers.

Sec. 14. No person or persons shall break open, or in any manner directly or indirectly aid or assist in breaking open any Public Pound, or shall take or let any animal or animals out of any Public Pound, without the consent of the Pound-keeper, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, or both, for each and every offence.

Penalty for breaking pounds.

For delaying  
or obstructing  
persons im-  
pounding.

Sec. 15. Each and every person who shall hinder, delay or obstruct any person or persons engaged in driving or carrying to any Public Pound any animal or animals liable to be impounded under the provisions of this By-law, shall, for each and every offence, forfeit and pay a Fine not exceeding Twenty Dollars, or be liable to an Imprisonment not exceeding Thirty Days, or both.

## CHAPTER XXVI.

### By-Law to Establish a Tariff of Fees for the Public Crier.

**B**E it ordained and enacted by the Council of the City of Montreal:

That the Fees to be allowed to, and demanded by, the Public Crier shall be as follows, to wit:

|  |        |
|--|--------|
| For the publication, in either French or English, or in both languages, if required, of each and every Lot of Ground or Emplacement by him published at the church door for three consecutive Sundays, and for the sale and adjustment thereof, If the Emplacement do not exceed \$2000 in value.. | \$3 00 |
| If the Emplacement exceeds \$2000, but do not exceed \$4000 dollars in value.....  | 4 00   |
| If the Emplacement be over \$4000, but do not exceed \$6000 in value .....   | 5 00   |
| If the Emplacement be over \$6000 in value .....   | 6 00   |
| For every other kind of Notice or Publication made by him at the said church door.....   | 0 65   |
| For every other Notice given by him, with sound of bell, in the Public Markets.....  | 0 65   |
| For each and every Notice given by him with sound of bell, in all the principal Streets and public places of this City.....  | 2 00   |

## CHAPTER XXVII.

## By-Law to Establish a Tariff of Fees for the Recorder's Court.

**B**E it ordained and enacted by the Council of the City of Montreal :

That the following be the established Tariff of Fees to be exacted and received in the Recorder's Court of the said City, by the several Officers thereof, viz. :

|  | In all Cases<br>up to 20s.<br>Inclusive. | In all Cases<br>above 20s.<br>& up to 40s.<br>Inclusive. | In all Cases<br>above 40s.<br>& up to 100s.<br>Inclusive. | In all Cases<br>above 100s. |
|--|--|--|---|-----------------------------|
| <b>TO THE CLERK.</b>   |  |  |   |                             |
| 1—For every Writ of Summons and Copy....   | s. d.<br>1 3                             | s. d.<br>2 0   | s. d.<br>2 6  | s. d.<br>3 6                |
| 2— " every extra Copy.....   | 0 3                                      | 0 6  | 0 9   | 1 0                         |
| 3— " every Cause, Opposition, Rule, or other<br>Proceeding, returned into Court.....                                 | 0 6                                      | 1 0  | 1 3   | 1 6                         |
| 4— " Filing and Entering every Opposition,<br>and Filing every Plea or Exception...                                  | 1 3                                      | 1 3  | 1 3   | 1 3                         |
| 5— " Entering every Judgment.....  | 1 3                                      | 1 3  | 1 3   | 2 6                         |
| 6— " Entering every Judgment on every Op-<br>position, and on every Rule <i>Nisi</i> . ...                           | 2 6                                      | 2 6  | 2 6   | 2 6                         |
| 7— " every Copy of Judgment.....   | 1 0                                      | 1 3  | 1 6   | 2 0                         |
| 8— " every Original Subpoena.....  | 1 0                                      | 1 3  | 1 6   | 2 0                         |
| 9— " every Copy of do. ....  | 0 3                                      | 0 6  | 0 6   | 0 6                         |
| 10— " every Writ of Execution.....   | 1 3                                      | 1 3  | 1 3   | 2 0                         |
| 11— " Swearing every Witness.....  | 0 3                                      | 0 3  | 0 6   | 0 6                         |
| 12— " every Motion made in open Court....  | 1 0                                      | 1 0  | 1 0   | 1 0                         |
| 13— " every Rule for <i>Faits et Articles, Serment</i><br><i>Décisive, etc.</i> , and Copy. ....                     | 1 0                                      | 1 0  | 1 0   | 1 6                         |
| 14— " every Rule <i>Nisi</i> and Copy thereof....  | 1 6                                      | 2 0  | 2 6   | 3 6                         |
| 15— " every Office Copy of any Document, or<br>of the Record in any Cause, and Certi-<br>ficate per 100 words.....   | 0 6                                      | 0 6  | 0 6   | 0 6                         |
| 16— " every Certificate thereof.....   | 1 0                                      | 1 0  | 1 0   | 1 0                         |
| 17— " Making up the Record of every Case<br>Appealed.....  | 10 0                                     | 10 0   | 10 0  | 20 0                        |
| 18— " every Recognizance in a Case Appealed  | 2 6                                      | 2 6  | 2 6   | 5 0                         |
| 19— " every Deposition and Warrant, payable<br>by the party complaining, and reim-<br>bursed on Conviction.. ....5s. |  |  |   |                             |
| 20— " every Recognizance payable by<br>each party bound.....2s. 6d.  |  |  |   |                             |
| 21— " every Warrant of Commitment..2s. 6d.   |  |  |   |                             |

Tariff of Fees, &c.—*Continued.*

|  | In all Cases<br>up to 20s.<br>Inclusive. | In all Cases<br>above 20s.<br>& up to 40s.<br>Inclusive. | In all Cases<br>above 40s.<br>& up to 100s.<br>Inclusive. | In all Cases<br>above 100s. |
|--|--|--|---|-----------------------------|
|  | s. d.                                    | s. d.  | s. d.   | s. d.                       |
| 22—For every Bench Warrant . . . . .   | 2s. 6d.                                  |  |   |                             |
| 23— " Filing any Paper not otherwise<br>provided for . . . . .   | 6d.                                      |  |   |                             |
| 24— " every Commitment on a Return<br>of <i>Nulla Bona</i> . . . . .   | 2s. 6d.                                  |  |   |                             |
| 25— " Recording applications for Pedlar<br>Licenses and Granting Certifi-<br>cates . . . . .   | 2s. 6d. each                             |  |   |                             |
| 26— " Recording applications for Bil-<br>liard Licenses, preparing Re-<br>cognizances and granting the<br>Certificates required . . . . .  | 7s. 6d. each                             |  |   |                             |
| 27— " every Affidavit taken in Court, 1s. 3d. "  |  |  |   |                             |
| <b>TO THE CRIER.</b>   |  |  |   |                             |
| 28—For every Cause, Subpœna, Rule, Opposi-<br>tion, <i>Requête Civile</i> , or other proceed-<br>ing returned into Court . . . . .   | 0 3                                      | 0 3  | 0 3   | 0 6                         |
| <b>TO THE BAILIFF OR CONSTABLE.</b>  |  |  |   |                             |
| 29—For each Service of Process, Rules or Or-<br>ders, and a Certificate thereof . . . . .  | 1 0                                      | 1 0  | 1 0   | 1 0                         |
| 30— " each Travel within the City limits . . . .   | 0 3                                      | 0 3  | 0 3   | 0 6                         |
| 31— " each Travel within one mile beyond the<br>City limits, extra . . . . .   | 0 6                                      | 0 6  | 0 6   | 0 9                         |
| 32— " every additional mile or part of a mile<br>(without any charge, however, for<br>mileage returning), but exclusive of<br>all sums paid at toll-gates or bridges,<br>or for ferriage . . . . . | 0 6                                      | 0 6  | 0 6   | 0 9                         |
| 33— " the Seizure of Goods and Chattels,<br>under a Writ of Execution, and all<br>incidental trouble . . . . .   | 3 9                                      | 3 9  | 3 9   | 5 0                         |
| 34— " his Recors . . . . .   | 1 8                                      | 1 8  | 1 8   | 2 0                         |
| 35— " Special Guardian or Guardians when<br>required, to be taxed by the Recorder,<br>according to the circumstances con-<br>nected with each case.  |  |  |   |                             |
| 36— " Publishing the Notices of each Sale, and<br>all incidental trouble . . . . .   | 1 0                                      | 1 0  | 1 0   | 1 0                         |
| 37— " the Sale of Goods and Chattels, exclu-<br>sive of mileage . . . . .  | 3 9                                      | 3 9  | 3 9   | 5 0                         |
| 38— " the Execution of every Warrant of Ar-<br>rest . . . . .  | 5s.                                      |  |   |                             |

## CHAPTER XXVIII.

## By-Law concerning Sewers.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows:

Sec. 1. The said Council may order the construction or repair of any common Sewer or Drain which shall be considered necessary by the Road Committee, in any street or highway: Provided that no such Sewer or Drain shall be made of less dimensions than two feet diameter. Council may order sewers to be made.

Sec. 2. Whenever it shall be determined by the said Council to lay down a Common Sewer, or whenever any street or highway within the said City shall be about to be newly paved or repaired, in which street or highway a Common Sewer shall have been already made and laid, public notice shall be given to the inhabitants and proprietors on such street or highway, specifying the time within which they may avail themselves of making their private drains from their houses or yards into such Common Sewer. Public notice to be given.

Sec. 3. The cost of making and constructing any Common Sewer or Drain which shall hereafter be ordered to be made or constructed in any street or highway, or section of a street or highway in the said City, shall be borne and paid by the owners of real estate situated on either side of such street or highway, or section of street or highway, by means of a special assessment to be made and levied upon the said owners of real estate, according and in proportion to the frontage of their properties respectively; the said assessment to be due and payable immediately after the completion of such Common Sewer or Drain in front of the said properties respectively: Provided that in no case shall such owners be assessed, whatever the dimensions of such Common Sewer may be, at a higher rate than for their proportion of the cost of a Common Sewer of two feet diameter. Cost of sewers, by whom borne. Proviso.

Repairs to  
sewers to be  
borne by  
Council.

Sec. 4. All public Sewers and Drains in this City shall be repaired and kept in order at the expense of the said Council, and all private Drains in connection therewith shall be constructed and kept in order by the proprietors respectively benefited by such private Drains, but under the supervision of the City Surveyor.

Private sewers.

Sec. 5. The Road Committee of the said Council shall have power, in all cases where there is any Common Sewer in any street or highway, to cause every owner of land adjoining such street or highway, or his agent, to make a sufficient drain from his or her house, yard or lot, whenever in their opinion the same shall be necessary, and shall thereupon give such owner or agent notice in writing through the City Surveyor, specifying the time within which such drain shall be completed; and in case the said owner or agent shall neglect to complete the same within the time specified, the said Committee shall cause the same to be done at the cost and charge of the said owner or agent, the amount of which may be recovered by an action to be brought before the Recorder's Court.

City Surveyor  
to make plan  
of sewers.

Sec. 6. It shall be the duty of the City Surveyor, whenever any Common Sewer is ordered to be built or repaired, to ascertain its depth, breadth, mode of construction and general direction, and take the plan thereof, and insert the same with all those particulars, in a book to be kept for that purpose, and forthwith ascertain and insert on said plan all entries made into such Sewer.

To keep an  
account of  
the same.

Sec. 7. The said City Surveyor shall keep an accurate account of the expense of constructing each Common Sewer, and shall report the same to the Road Committee, together with a list of the persons and estates having a frontage on the street or highway, or section of a street, or highway, wherein such Sewer is laid or constructed, accompanied by a schedule shewing the proportion in which such persons and estates are respectively assessed in relation to the cost of the said Sewer.

Sec. 8. The said City Surveyor shall enter, in books to be kept for that purpose, all assessments made for defraying the expense of constructing Common Sewers ; and after the completion of any such Sewer, he shall forthwith make out bills for the same, and deliver them to the City Treasurer for collection ; and the said Treasurer shall forthwith demand payment in writing, of the said bills ; and in case any such bills or dues shall remain unpaid at the expiration of thirty days, after demand for payment as aforesaid, the said Treasurer shall cause the same to be collected by a resort to the proper legal process.

Assessments  
to be entered  
in a book.

Sec. 9. No person shall enter his or her private Drain into any Common Sewer without a permit in writing from the City Surveyor ; and all persons to whom such permit shall be granted shall pay therefor a sum of Three Dollars, if the public Drain be constructed of brick, and One Dollar Fifty Cents if the public Drain be a wooden one ; the amount in each case to include the cost of making the connection, irrespective of the excavation, which shall be done by the proprietors who shall apply for such permit : Provided that if such private drain is constructed within the time specified in the third section of this By-law, so as to allow its connection with the Common Sewer to be made during the construction of the said Common Sewer, and whilst the street is being opened therefor, there will be charged only Two Dollars for such permit, if the connection is to be made in brick, and One Dollar if it be a wooden one.

No person to  
have access to  
common sewer  
without permit.

Sec. 10. All private Drains shall be laid in such direction, of such size, and with such descent, and (where required) with such strainers as the City Surveyor, under the direction of the Road Committee, shall require ; and such Drains shall not, under any pretext, be closed until examined and approved by the City Surveyor.

Private drains,  
how con-  
structed.

Sec. 11. The manner of piercing or opening into any of the Common Sewers or Drains, and the form, size and material of which connections therewith shall be composed, shall be prescribed by the City Surveyor, under the direction of

Connection  
with common  
sewer.

the Road Committee, such connections in no case to be less than three feet in length.

Permission to construct drains, subject to certain conditions.

Sec. 12. The City Surveyor, on application for that purpose, is hereby authorized and empowered to grant permission to persons to construct, at their own expense, Drains to connect with any Common Sewer built in any of the public streets or highways of the said City; such permission to be conditioned that the persons applying therefor shall comply with the rules, regulations and ordinances of the City in relation to excavating the streets, be responsible for damages or injuries caused to persons, animals or property, by reason of any neglect or carelessness connected with the work permitted, and pay the amount hereinbefore stipulated for such permission.

Connections with common sewers to be made by licensed persons.

Sec. 13. All openings into any Common Sewer or Drain, for the purpose of making connections therewith from any private Drain leading to any dwelling house, cellar, yard, or other premises, shall hereafter be made by persons to be licensed by the Road Committee, in writing, to perform such work, and by those persons only; and the said persons, before being so licensed, shall enter into a bond to the Mayor and City Council, in a sufficient penal sum, with surety, conditional that they will carefully make the openings into any Sewers or Drains in the manner and time prescribed by the City Surveyor, without injuring them; that they will leave no obstructions of any description whatever in them, and properly close up the Sewer or Drain around the connection made by them; that they will faithfully comply with the Rules, Regulations, and Ordinances relating to opening and excavating the streets, and be responsible for any damages or injuries that may occur to persons, animals or property, by reason of any neglect or carelessness on their part, connected with said work: provided that the said Committee may at any time revoke such license.

Sewers to be kept clear.

Sec. 14. No owner or occupant of any dwelling house, store or other building, or of any manufactory, brewery, distillery, slaughter house or the like, having permission to connect



with any public Sewer or Drain as aforesaid, shall permit any substance to flow into any such Sewer or Drain which shall form a deposit having a tendency to fill said Sewer or Drain.

Sec. 15. No person shall injure, break or remove any portion of any receiving basin, covering-flag, man-hole, vent, shaft, grating, or any part of any Sewer or Drain, or obstruct the mouth of any Sewer or Drain, or obstruct the flow of water in any Sewer or Drain in the said City, under the following penalty. Injuries to sewers punishable.

Sec. 16. All persons offending against any of the provisions of this By-law shall be liable to a Fine not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, for each offence. Penalty.

## CHAPTER XXIX.

### By-Law concerning Streets.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. It shall be the duty of the City Surveyor, under the direction and control of the Road Committee, to superintend the general state of the streets, to attend to the laying out, widening, elevation and repairs of the same, and to make all contracts for the supply of labour and materials therefor; and to give notice to the said Committee of any obstruction or encroachment thereon. Duty of City Surveyor in regard to streets.

Sec. 2. No Street or Roadway, either public or private, shall be opened, made, or extended at a lesser width than forty feet, French measure: Provided, however, that lanes of a lesser width may be made in rear of lots for the purpose of communicating with the out-buildings and yards on such lots. Width of streets.

Sec. 3. The Council of the said City of Montreal may, and they are hereby authorized, whenever, in their opinion, Power to discontinue streets.

the safety or convenience of the inhabitants of the City shall require it, to discontinue any street, lane, or alley of the said City, or to make any alteration in the same, in part or in whole.

Streets may  
be closed to  
allow public  
works being  
made therein.

Sec. 4. It shall be lawful for the persons employed to pave or repave any street in this city, or to construct drains, or other works of a similar nature therein, to place proper obstructions across such street or cartway, for the purpose of preserving the works then newly made, or to be made, until the same shall be fit for use ; leaving at all times a sufficient passage for foot passengers.

When any  
excavation in  
the streets shall  
be made, &c.

Sec. 5. When any drain shall be opened or laid, or any aperture shall be made in any street or public square in the said City, the person, or persons, or either of them by whom the said drain shall be opened or laid, or such aperture made, shall cause a rail or other sufficient fence to be placed and fixed so as to enclose such drain, or other aperture and the dirt and gravel or other material thrown into the street ; and such fence shall be continued during the whole time such drain or aperture shall be open ; and a lighted lantern, or some other proper and sufficient light shall be fixed to some part of such fence, or in some other proper manner, over or near such open drain or aperture, and the dirt, gravel or other material taken from the same, and so kept from the beginning of the twilight of the evening, through the whole of the night, during all the time such drain or aperture shall be open, or in a state of repair, under the penalty of a Fine not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, for each offence.

Parties intend-  
ing to build to  
give notice.

Sec. 6. Every person intending to erect, or to repair, any building upon land abutting on any of the streets of this City, shall, before proceeding to build or erect the same, or to lay the foundation thereof, or to make the said repairs, give notice in writing to the City Surveyor of such his intention, with the number of the street or precise location, and the name of the owner of the land, eight days at least before doing any act for carrying out such his intention into execu-

tion, in order that any encroachment or any other injury or inconvenience to the said public streets, which might otherwise happen, may be thereby prevented; and in default thereof such person shall incur a Penalty not exceeding Twenty Dollars.

Sec. 7. Whenever any person or persons shall intend to alter, repair, or erect any building as aforesaid, such person or persons shall apply to the City Surveyor, who shall set off or allot such part or portion of the street, square, lane, or highway, opposite to such ground or the site of such building, as shall be deemed necessary and sufficient for the purpose, and who shall, at the same time, grant a minute in writing of such allotment, in which minute shall be specified the conditions upon which such allotment shall be made; and for every such minute, the party or parties so applying shall pay to the said Surveyor the sum of One Dollar; Provided never-theless, that the space to be allotted and set off as aforesaid shall not exceed one-third the breadth of the street, square, lane, or highway opposite such ground or building aforesaid, exclusive of the footpath or sidewalk, which shall at all times be kept clear; and the part or portion set off or allotted, and no other part of the said street, square, lane, or highway shall be used for laying down the materials for any such building, or for the repairing thereof, and for receiving the rubbish arising therefrom. And it shall also be the duty of such persons, in all cases, to place at twilight in the evening, suitable and sufficient lights upon such building materials, and keep them burning through the night, until said materials are removed; and all the rubbish arising therefrom or thereby shall be carried away by the person or persons so building, or repairing, at such convenient time as the said Surveyor may direct; and in case of neglect or refusal so to do, it shall be removed and carried away, at the expense of the person or persons so building or repairing; and all persons offending against any of the provisions of this section shall pay and forfeit, for each offence, a sum not exceeding Twenty Dollars, Penalty. and be liable to an Imprisonment not exceeding Thirty Days.

Allotment to be made by Surveyor for building materials.

Provided.

Parties answer-  
able for dam-  
ages.

Sec. 8. In all cases where any person or persons shall place building materials in any of the public streets of the said City, such persons shall be answerable for any and every damage, which may be occasioned to persons, animals or property, by reason of carelessness in any manner connected with the said materials.

Preparing  
mortar, &c.,  
in streets pro-  
hibited.

Sec. 9. No person shall make or prepare mortar, or cut or dress any stone or timber for building purposes, in any street, or public square or place in this City, under a Penalty not exceeding Twenty Dollars, and an Imprisonment not exceed-  
ing Thirty Days, for each offence.

Placing coal  
or firewood in  
streets regu-  
lated.

Sec. 10. Neither the purchaser nor seller of any Coal or Firewood shall place or permit any such Coal or Firewood to remain in any street, so as unnecessarily to obstruct the passage in the same ; nor shall any such coal or wood in any case be permitted, either by the purchaser or seller, or other person having the charge thereof, to lie or continue in any street more than twenty-four hours, under a Penalty not exceeding Twenty Dollars, and an Imprisonment not exceed-  
ing Thirty Days, for each offence.

Doors to  
archways to  
open inwards.

Sec. 11. All Archways constructed on the border of any of the streets, lanes, or public squares of the City and suburbs, and all porches or other entrances into court-yards, shall be closed with doors that shall open into the interior, and not towards the said square, streets, or lanes, so as to leave the passage of the footwalks free at all times ; the same to be observed with respect to all gates of gardens, lots or other spaces of ground ; the whole under a Penalty not exceeding Twenty Dollars against each and every person, whether proprietor or tenant, offending against the provisions of this section.

Signs.

Sec. 12. No person shall hereafter place, hang, or suspend at any lesser height than ten feet from the sidewalk or street, nor at any greater distance than two feet in front of, and from the wall of any house, shop, store, building, or place whatsoever, any Sign, Show-bill or Show-board, under a Penalty not exceeding Twenty Dollars, and an Imprisonment

not exceeding Thirty Days for each offence ; and a further like penalty and imprisonment for each day (if sued for daily) that the same may be allowed or continue to remain, contrary to the provisions of this section.

Sec. 13. If any person shall place, affix or continue, Awnings. in any street, square, lane, or highway of this City, any Awning Posts, or any cloth or canvas for an Awning, so as to cause any public inconvenience, or contrary to the directions of the City Surveyor, or his deputy, or shall neglect or refuse to comply with such directions of the said Surveyor or his deputy, such person shall forfeit and pay, for every such offence, a sum not exceeding Twenty Dollars.

Sec. 14. Any person who, for any purpose whatsoever, shall intentionally place, or cause to be placed, or shall suspend, or cause to be suspended or exposed from any house, shop, store, building, or lot abutting on any of the public streets, squares, lanes, or highways of this City, any goods, wares, or merchandize whatsoever, so that the same shall extend or project from the wall in front of such house, shop, store, building, or lot, more than six inches towards or into any public street, square, lane, or highway aforesaid, shall forfeit and pay a sum not exceeding Ten Dollars for each offence. Wares suspended from houses.

Sec. 15. No person, whether agent, owner or employer, shall hereafter suffer or permit any case, bale, bundle, box, crate, or any goods, wares or merchandize to be raised from any street, square, or public place, on the outside of any building, for the purpose of storing the same in the second or any higher story of any such building, or to be lowered from the same in a similar manner, by means of a rope, pulley, tackle, or windlass, under a Penalty not exceeding Ten Dollars for each offence : Provided, that the provisions of this section shall not be considered or taken to extend to the raising of any materials or other articles necessary in the repairing, erecting, or taking down of any building, or to the removing of any merchandize or other articles, in case of danger by fire or other such casualty. Penalty on raising goods from street by tackle.

Street crossings  
not to be ob-  
structed.

Sec. 16. No person shall place any animal, cart, truck or carriage of any description whatsoever, or any obstructions of any kind, upon or across any of the flags or stepping stones, placed for the convenience of foot passengers, across any street, square, lane, or highway, in the said City, under a Penalty of not less than One nor more than Twenty Dollars, for each and every offence.

Large timber  
not to be dragg-  
ed on streets.

Sec. 17. All pieces of Timber, which, by reason of their length, cannot be transported in carts or tumbrels, and are usually conveyed on trucks or other vehicles, such as deals, cedars, and other large timber, shall for the future, throughout every part of the City and suburbs, be transported on two trucks or upon such other vehicle so constructed as that the said timber shall not in any manner touch the public way: the whole, under a Penalty not exceeding Ten Dollars against each offender.

Apertures  
under street,  
coal holes, &c.

Sec. 18. No person shall make, or cause to be made, any aperture in or under any street, for the purpose of constructing Coal Holes, or receptacles for any other article, or for light and air, or for an entrance, or for any other purpose, without the license of the Road Committee, under a Penalty not exceeding Twenty Dollars for each offence, and a like penalty for every day the same shall remain: and no person shall leave such Coal Hole or other aperture open or unfastened after sunset, nor in the day time, unless while actually in use with a person or persons at the same to warn passers-by, under the same penalty.

Gratings in  
streets.

Sec. 19. No person shall affix or place, or cause to be affixed or placed, or continue, in any street, any Grating, without the license of the Road Committee, under a Penalty not exceeding Twenty Dollars for each offence, and a like penalty for every week the same shall remain.

Coal holes and  
gratings may be  
authorized, &c.

Sec. 20. The Road Committee, upon the application of any person, may authorize the construction of Coal Holes or other apertures, and of Gratings, as hereinbefore mentioned, in such manner, and under the direction of such person, as they may deem suitable, at the expense of the

applicant; and they may also authorize the continuance of any Grating already constructed: Provided, that in no case shall any Grating be authorized to extend more than eighteen inches into the street.

Sec. 21. No person shall, without having first obtained a written permission from the City Surveyor, dig, remove or carry away, or cause the same to be done, any sod, stone, earth, sand or gravel from any street, alley or public ground in this City, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, for each offence.

Earth, &c.,  
not to be re-  
moved without  
permission.

Sec. 22. No person shall injure or tear up any Pavement, Side or Cross-walk, Drain or Sewer, or any part thereof, or shall dig any hole, ditch or drain in any street, pavement or sidewalk, without due authority, or shall hinder or obstruct the making or repairing any Pavement, Side or Cross-walk, which is or may be making under any resolution or order of the Road Committee, or shall hinder or obstruct any person employed by the said Committee or the City Surveyor, in making or repairing any public improvement or work, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, for each offence.

Pavements and  
sidewalks not  
to be injured.

Sec. 23. No person shall cover up or remove any of the Boundary Stones for designating the avenues and streets of the City, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, for each offence.

Boundary  
stones.

Sec. 24. No person shall injure or destroy any ornamental or shade Tree, Shrub, Lamp-post, Fence, Railing in or upon any public ground, street, alley, or other public place, or upon any private premises, under a Penalty not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days, for each offence.

Trees.

Sec. 25. No person shall slide with a sled, train, traineau, or shall skate on any public square, street, or highway in the said City, under a Penalty not exceeding Five Dollars,

Sliding  
in streets  
prohibited.

or an Imprisonment not exceeding Forty-eight Hours, for each offence.

Certain games  
in streets  
prohibited.

Sec. 26. No person shall play at Foot-ball, or the game commonly called Shinty, or shall throw Stones or Snowballs in any street, square, or lane of this City, under a Penalty not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours, for each offence.

Penalty for in-  
juring lamp-  
posts, &c.

Sec. 27. Any person who shall climb upon or hitch any horse or other animal to any public Lamp-post, or hang or place any goods, boxes, wood, or any other heavy material upon or against the same, or who shall extinguish, or cause to be extinguished, or light, or cause to be lighted, any of said lamps, unless duly authorized so to do, shall be subject to a Penalty not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, for each offence.

Trees to  
be trimmed.

Sec. 28. If any trees in any street wherein public lamps are erected, shall be suffered by the owner or the occupant of the premises to grow in such a manner as to obstruct the reflection of the said lamps, it shall be the duty of the City Surveyor, under direction of the Light Committee, to notify the owner or occupant of the premises forthwith to trim the same, in the manner to be specified in the notice; and if any person shall refuse or neglect to comply with such notice, it shall be the duty of the City Surveyor to cause such trees to be trimmed; and the person so neglecting or refusing shall be subject to a penalty of One Dollar for each tree he was so notified, and refused or neglected to trim.

Posting  
placards.

Sec. 29. No person shall post up or affix in any manner any Bill, Placard, or notice, either written or printed, upon the fences, walls, or upon any part of any building in this City (except in cases of expropriation), without the previous consent of the occupants thereof, or if there be no occupants, without the previous consent of the owner thereof; nor upon any part of any building belonging to the Corporation of the said City without the previous consent of the Mayor, under a Penalty not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours, for each offence.



Sec. 30. Whenever any thing is prohibited in this or any other By-law, as well the person actually doing such prohibited thing, as his agent or employer, shall be liable to the penalty prescribed. Who is liable to the penalty.

Sec. 31. All houses within the City limits shall be numbered from East to West and from South to North, the even numbers being assigned to the left and the odd ones to the right hand side of each street: in every case of a vacant space intervening, twenty-five feet shall be allowed for a number. Numbering of houses.

## CHAPTER XXX.

### By-Law concerning Sidewalks.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. The City Surveyor is hereby authorized, under the direction of the Road Committee, so to regulate the width and height of the sidewalks of any streets, as shall, in his judgment, be most conducive to the convenience and interest of the City. Dimensions of sidewalks, how regulated.

Sec. 2. Any person who shall encumber or obstruct any sidewalk, in any street, square, lane, or highway, in the said City, with any article or material whatsoever, without having previously obtained a written permission from the City Surveyor, shall forfeit and pay a sum not exceeding Twenty Dollars for each offence. Penalty for encumbering sidewalks.

Sec. 3. All steps, door-steps, porches, railings, platforms, or other erections projecting into or obstructing any sidewalk, street, square, lane, or highway, within the said City, shall be removed, by and at the expense of the proprietor of the real property on or connected with which such projections or obstructions shall be found, within forty-eight hours after the said proprietor shall have been notified by the City Surveyor to remove the same, under a Penalty not exceeding Twenty Projections into streets to be removed by order of City Surveyor.

|  |   |
|--|---|
| Exceptions.  | Dollars for each offence : Provided that conductors from water spouts and window-guards, not projecting from the face of the wall more than six inches, shall not be taken and considered as projections or obstructions within the meaning of this section.  |
| Encumbrances not removed when ordered to be removed by Surveyor. | Sec. 4. Whenever any article or material whatsoever, encumbering or obstructing any sidewalk, street, square, lane, or highway, in the said City, shall have been ordered or directed by the City Surveyor to be removed, pursuant to the preceding sections of this By-law, and the same shall not be removed within the time limited by such order or direction, it shall be lawful for the City Surveyor or his deputy, to order the same to be carried or transported at the cost and charge of the parties owning such article or materials, to such place as may be specially allotted by the Council for the reception of all such articles or materials.  |
| Goods for sale or show.  | Sec. 5. No person shall place upon or suffer to be placed upon any sidewalk in this City for sale or show, any goods, wares or merchandise whatsoever.  |
| Goods delivered or received.                                     | Sec. 6. No person receiving or delivering goods, wares or merchandise, in the said City, shall place or keep upon, or suffer to be placed or kept upon any sidewalk in the said City, any goods, wares or merchandise which he or they may be receiving or delivering, without leaving a passage-way clear upon such sidewalk where such goods may be, sufficient for the use of foot passengers ; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk for a longer period than four hours ; and any person or persons violating any of the provisions of this or the foregoing section shall forfeit and pay to said City a sum not exceeding Twenty Dollars, and shall be subject to a like penalty for each hour the said goods or any part thereof shall remain as aforesaid, after notice to remove the same. |
| Sufficient passage to be kept clear.                             |   |
| Four hours allowed.  |   |
| Penalties.   |   |
| Penalty by the hour after notice.                                |   |
| Hand barrows not to be used on footpaths.                        | Sec. 7. No person shall lead, drive, or ride any horse or other animal, or wheel or drag any hand barrow or hand cart, or push or drag any sleigh or sled, or saw any wood, or  |

in any otherwise needlessly impede any foot-path or sidewalk in the said City, under a Penalty not exceeding Five Dollars for each offence.

Sec. 8. Any owner or occupant of any store, house, building, or lot, in the said City, who shall permit or suffer any cart, truck, or any kind of summer or winter vehicle whatsoever, for the purpose of loading or unloading the same with any boxes, crates, casks or packages whatsoever, weighing less than one hundred weight each, to be driven or placed, or backed over or upon the foot-path or sidewalk opposite such store, house, building, or lot, or who shall suffer or permit any cart, truck, or any kind of summer or winter vehicle, for the purpose of loading and unloading the same with any boxes, crates, casks, or packages whatsoever, weighing more than one hundred weight each, to be driven, or placed, or backed over or upon the foot-path or sidewalk opposite such store, house, building, or lot as aforesaid, and remain so for a longer space of time than five minutes at any one time, shall incur and pay a Fine or Penalty not exceeding Five Dollars, or an Imprisonment not exceeding Forty-eight Hours, for each offence.

Trucks may be backed over foot-paths in certain cases.

Sec. 9. Whenever any portion of a sidewalk shall have been broken or otherwise injured in consequence of any new building erected or in course of erection on any of the streets or squares in the said City, the City Surveyor shall cause a written or printed notice to be served upon the owner of the said building, calling upon him to repair the damage thus occasioned, by causing the sidewalk in front of or adjoining such building, to be put in as good condition as it stood previous to the erection of the said building: Provided the said notice shall require such repairs to be made in forty-eight hours after the service thereof. If such owner shall neglect or refuse to repair the sidewalk as aforesaid, after the said notice, he shall be subject to a Fine not exceeding Twenty Dollars, besides being liable for all damages which the City may incur by reason thereof. The City Surveyor shall, in all cases, where any proprietor shall refuse or neglect to repair the sidewalks in pursuance of notice as aforesaid, cause the

Injuries to sidewalks by builders to be repaired.

same to be repaired within a reasonable time after the expiration of notice, at the expense of such proprietor against whom the same may be recovered by summary proceeding in the Recorder's Court.

Sidewalks  
to be kept  
clean.

Sec. 10. It shall be the duty of the occupant, or in case there is no occupant, of the owner or any person having the care of any building, or lot of land on any street or square in the said City, to keep the sidewalk in front of, or adjoining, such building or lot of land, in a proper state of cleanliness, from the first day of May, to the first day of December, every year, under a Penalty not exceeding Twenty Dollars for each offence.

Security against  
excavations for  
cellars.

Sec. 11. Any person who shall make or keep open, or cause to be made or kept open, any excavation for cellars or other purposes, on the line of any street or so near thereto as to endanger the safety of foot passengers, shall cause such excavation to be well and properly secured by a substantial railing or covering to the satisfaction of the City Surveyor, during the prosecution of the work.

Cellar doors.

Sec. 12. All proprietors or occupiers, or person or persons having charge of any house or building in the said City, having cellar doors made on the foot-path or sidewalk opposite their premises, shall constantly keep the said doors in good repair and shut after dark; they shall not leave the said cellar doors open, or suffer the same to be left open in the day time for any greater length of time than may be reasonably sufficient for getting into or out of the same such goods, wood, or effects as may be intended to be introduced into or taken out of such cellar; and during the time the said cellar door shall remain open in the day time for the purpose aforesaid, it shall be the duty of the proprietor or occupiers of said premises, to put on each side of the opening of such cellar door a sufficient guard, to be at least three feet high, so as to protect passengers from injury.

Steps descend-  
ing from street  
to be enclosed  
and lighted.

Sec. 13. Every entrance or flight of steps, descending immediately from any street, or public way into any cellar or basement story of any building, where such entrance or flight of

steps shall not be safely and securely covered, shall be enclosed with a railing on each side, permanently put up, at least three feet high from the top of the sidewalk or pavement, together with either a gate to open inwardly, or two iron chains across the front of the entrance way, one near the top and the other half way from the ground to the top of the railing; and such gate or chains shall, unless there be a burning light over the steps to prevent accidents, be closed during the night. And any person, who shall be guilty of a violation of any of the provisions of this or the next preceding section, shall be liable to a Penalty not exceeding Twenty Dollars, and a like penalty for each and every day during which or any part of which such violation continues; which penalty may be recovered of the owner, occupant or other person having charge of such building.

Sec. 14. No person shall plant any tree on any sidewalk or street of the said City, without leave first obtained from the City Surveyor, who shall have power to remove the same, if deemed necessary in the interest of the public.

No trees to be planted without permission.

Sec. 15. Whenever, during the winter season, snow or ice shall accumulate on any of the sidewalks in the said City, or any portion of them, it shall be the duty of the person owning, occupying, or having charge of the house, building, or lot of ground, before which such accumulation as aforesaid shall be, to cut the said snow or ice down to a depth of six inches above the surface of the said sidewalks, so that the same shall be uniform with that of the adjoining property, unless otherwise ordered, or permitted by the City Surveyor; under a Penalty not exceeding Twenty Dollars, for each offence: Provided however that the snow or ice to be removed from such sidewalks may be thrown into the roadway in front of the said house, building or lot of ground; but in doing so, the person owning, occupying, or having charge of such house, building, or lot of ground, shall cause such snow or ice to be broken into small pieces and spread uniformly over the surface of such roadway.

Snow not to be allowed to accumulate over six inches on side-paths.

Sec. 16. Should the person owning, occupying, or having charge of any house, building, or lot of land, in the said City

Duty of Surveyor in cases of neglect.

neglect or refuse to comply with the provisions of the next preceding section, it shall be the duty of the said Surveyor to cause the work therein ordered, to be done, at the expense of the party guilty of such neglect or refusal, from whom the said Corporation shall recover the amount of the said expense by summary process in the Recorder's Court.

Ice on same  
to be made  
rough.

Sec. 17. Whenever the snow shall become so congealed, or ice formed, on any of the sidewalks, or portions thereof, in the said City, as to prove dangerous to passengers, it shall be the duty of the person owning, occupying, or having charge of the house, building, or lot of ground, before which the sidewalks shall be in such state as aforesaid, to cause ashes to be strewed thereon, or the ice or congealed snow to be made rough, by cutting the same, under a Penalty not exceeding Twenty Dollars for each offence.

Plates over  
shoots, &c., in  
streets to be  
roughed.

Sec. 18. It shall be the duty of every proprietor or proprietors, or company of persons having any cellar shoot, or other aperture, in the streets or sidewalks in the said City, to cause the iron plate or plates, over such shoot or aperture, to be roughed or studded on the exposed surface thereof, or otherwise made so as to prevent danger to passengers therefrom, under a Penalty not exceeding Twenty Dollars for each offence.

No iron plates  
to be placed  
over cellar  
doors unless  
made rough.

Sec. 19. No person shall place on the mouth of any cellar shoot, or other aperture whatsoever, in any of the squares streets, lanes, or sidewalks, in the said City, any iron plate or plates not made rough or studded on the outer surface, or otherwise made so as to prevent danger to passengers, under a Penalty not exceeding Twenty Dollars for each offence.

Snow or ice  
on roofs to  
be removed.

Sec. 20. No person occupying or having under his charge any house, part of any house, store-house, or part of any store-house, building, or part of any building in this City, shall allow snow to be accumulated, or ice to be formed on the roof of such houses or buildings, or any part thereof, in such a manner as to subject the passers-by to any danger, under a Penalty not exceeding Twenty Dollars and an Imprisonment not exceeding Thirty Days, for each offence.

Sec. 21. The snow or ice accumulated or formed on the By whom. said roofs as aforesaid, shall be removed or thrown down by the party or parties having charge of such houses and buildings, before the hour of nine o'clock in the forenoon, and proper means shall be taken by them to warn passers-by in the streets of the fact, under a Penalty not exceeding Twenty Dollars and an Imprisonment not exceeding Thirty Days, for each offence.

## CHAPTER XXXI.

### By-Law concerning Vaults and Cisterns.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. The Road Committee, on application for that purpose, is hereby empowered to give permission to construct Permission to construct vaults by whom given. any Vaults or Cisterns in the streets, provided, in the opinion of a majority of said Committee, no injury will come to the public thereby.

Sec. 2. No person shall cause any Vault or Cistern to be constructed or made in any of the streets in the said City of Montreal, without the written permission of the Road Committee. No vault to be constructed without permission.

Sec. 3. Every application for permission to erect such Vault or Cistern shall be in writing signed by the proprietor making the same, and shall state the number of square feet of ground which is required for the same and the intended length and width of the same. Form of application for permission.

Sec. 4. After obtaining permission to construct or make such Vault or Cistern, and previous to the commencement thereof, the person so applying shall forthwith pay to the City Treasurer the sum of Twenty-five cents per each square foot of ground mentioned as required for such Vault or Cistern. Amount to be paid by applicant.

**Size of vaults.** Sec. 5. No person shall erect or build, or cause or permit any Vault or Cistern to be made which shall extend further than the line of the sidewalk or curb stone of any street in the said City.

**Regulations for constructing vaults.** Sec. 6. It shall be the duty of every person for whom any Vault or Cistern may be constructing, to cause or procure the same to be measured by the City Surveyor, and to deliver to the Road Committee a certificate of the said measurement, signed by the said Surveyor before the arching of such Vault or Cistern shall be commenced; for each of which certificates the City Surveyor shall be entitled to receive, on behalf of the Corporation of the said City from the party requiring the same, the sum of Four Dollars.

**Ibid.** Sec. 7. If it shall appear by such certificate or otherwise that such Vault or Cistern occupies a greater number of square feet than shall have been paid for as aforesaid, the owner of such Vault or Cistern shall, in addition to the penalty hereinafter provided, pay Twenty-five cents for each square foot of ground occupied by such Vault or Cistern, over and above the number of square feet paid for as aforesaid.

**Ibid.** Sec. 8. It shall be the duty of every person or persons engaged in building Vaults or Cisterns as aforesaid, to inclose the ground taken or appropriated for such Vaults, with a fence or railing, in such a manner as to prevent danger to street passengers; and to continue and uphold the said fence or railing until the work shall be completed or the danger removed.

**Ibid.** Sec. 9. All Vaults or Cisterns shall be constructed of brick or stone, in a solid and substantial manner, and the outward side of the grating or opening into the street shall be either within twelve inches of the outside of the curb stone of the sidewalk, or within twelve inches of the foundation wall of the front of the house or building to which such Vault shall belong.

**Grates of vaults.** Sec. 10. All grates to vaults shall be made of wrought iron, the bars whereof shall be three-fourths of an inch wide,



and one half of an inch thick, and not more than three quarters of an inch apart ; or the said Vaults or Cisterns may be provided with thick glass lights, to the satisfaction of the City Surveyor.

Sec. 11. All Vaults or Cisterns shall be completed, and the ground and sidewalk over them closed and refitted to the satisfaction of the City Surveyor, within three weeks after they are commenced, under the Penalty of Five Dollars for every day thereafter, during which the same shall remain open or uninclosed, to be recovered from the owner or builder of the same, severally and respectively.

Time for completion of vaults.

Sec. 12. It shall be the duty of every proprietor who shall construct, or cause to be constructed, any Vault or Cistern under the provisions of this By-law, to lay and maintain at his own cost, over such Vault or Cistern, a flag stone footpath or sidewalk.

Flag-stone footpath to be made over vaults.

Sec. 13. Every proprietor who shall construct, or cause to be constructed, any Vault or Cistern, as aforesaid, shall be answerable for any and every damage which may be occasioned to persons, animals, or property, by reason of carelessness or defect in any manner connected with the said Vault or Cistern.

Proprietor responsible for damages, &c.

Sec. 14. No person shall remove, or cause or suffer to be removed, or insecurely fixed, so that the same can be moved in its bed, any grate or covering to the opening or aperture of any Vault in the said City.

Grates and other coverings, &c.

Sec. 15. All persons who shall violate, or fail to comply with any of the provisions of this By-law shall be liable to a Fine not exceeding Twenty Dollars, or to an Imprisonment not exceeding Thirty Days, or both, for each and every offence.

Penalty.

## CHAPTER XXXII.

## By-Law concerning Vehicles.

ARTICLE I. HACKNEY CARRIAGES.

ARTICLE II. CARTS, TRUCKS, &amp;c.

ARTICLE III. VEHICLES IN GENERAL.

## Article 1.

## HACKNEY CARRIAGES.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Hackney carriage defined.

Sec. 1. Every omnibus, coach, cab, caleche, or other vehicle, whether on wheels or runners, drawn by one or more horses, which shall be used in the City of Montreal for the conveyance of persons for hire from place to place within the said City, shall be deemed a Hackney Carriage within the meaning of this By-law.

License.

Sec. 2. No person shall set up, use or drive in the City of Montreal any Hackney Carriage, for the conveyance of persons for hire from place to place within the said City, without having obtained from the Chief of Police a license for such carriage, and a number to be attached to the said carriage, and without having paid the rates and duties severally imposed in and by the Tariff contained in the subjoined schedule.

Chief of Police authorized to grant licenses.

Sec. 3. The Chief of Police is hereby authorized to grant licenses and numbers to such persons, as he may deem expedient, and who may be duly entitled to the same, to set up, use or drive Hackney Carriages for the conveyance of persons for hire, from place to place within this City, and to demand and exact, for such licenses and numbers the several rates and duties specified in the said Tariff; and a record of all licenses so granted shall be kept by the Chief of Police, who shall make, at least once a week, a return of all sums so received, and shall pay over the same to the City Treasurer.

Sec. 4. All licenses granted as aforesaid shall expire on the first day of May next after the date thereof. Licenses when to expire.

Sec. 5. The owner or driver of any Hackney Coach or carriage shall not be entitled to recover or receive any pay from any person from whom he shall have demanded any greater price or rates than he may be authorized to receive under the present By-law. Carters not to recover pay in certain cases.

Sec. 6. In case of disagreement as to distance or price, the same shall be determined by the Chief of Police or any of his Deputies in accordance with the Tariff. Cases of disagreement, by whom decided.

Sec. 7. Every owner, driver or other person, having charge of any Hackney Carriage which has a stand in any street or square, shall at all times when driving or waiting for employment, wear the number of his carriage, in brass or plated figures of not less than one inch in size; and the said number shall be placed in the manner directed by the Chief of Police and in such a way that the same may be distinctly seen and read. Drivers to wear numbers.

Sec. 8. No owner of any Hackney Coach or carriage in the said City shall suffer or permit any driver to drive any such coach or carriage, unless such driver shall be provided with a number as required in and by the next preceding section. Duties of owners of carriages.

Sec. 9. No person except a licensed owner or driver of any such coach or carriage in the said City, shall wear the number of any such licensed owner or driver; nor shall any person other than a licensed driver or owner solicit passengers for any such coach or carriage; nor shall any such licensed owner or driver wear any other than his own number, or suffer or permit any other person to wear the same. None but licensed carters to wear numbers.

Sec. 10. The following described places shall be the only stands on which it shall be lawful to place for hire, Hackney Carriages in this City, viz: Stands for hackney carriages.

1.

That part of McGill Street from the south-east corner of Notre Dame Street to Common Street, provided that the

vehicles thereon be in single line in the middle of the street, with the horses' heads towards Victoria Square, or westwardly.

2.

That part of Dalhousie Square, from the Wicket Gate leading into the Barracks, north-east termination of St. Paul Street, to the street leading down to the Artillery Barracks, provided the vehicles be placed in a straight line, with the horses' heads towards the Square, and that all returning vehicles take the stand nearest the said wicket.

3.

That part of Commissioners' Street, from the south-west line of Jacques Cartier Square to the St. Ann's Market, provided the vehicles be placed in single lines along the harbour revetment wall, with the horses' heads towards the said Market.

4.

That part of Craig Street from Papineau Square to St. Antoine Street, provided the vehicles be placed in a single line, in the centre of the street, with the horses' heads towards the said Square.

5.

The south-east side of Papineau Square, the vehicles to be ranged in a line with St. Mary Street, the horses' heads towards the Market-place.

6.

The Place d'Armes, for four vehicles on the north, seven on the west, and seven on the east side, facing the Parish Church.

7.

The centre of Jacques Cartier Square, between St. Paul and Commissioners' Streets, the horses' heads to face the Bonsecours Market; and the north-east side of said Jacques Cartier Square from Notre Dame to St. Paul Streets, the vehicles to be ranged in a single line along the south side of the street, the horses' heads turned towards Notre Dame Street.

8.

That part of Bonsecours Street from the north-west corner of Notre Dame Street, towards Craig Street, for eight vehicles only, the horses' heads being turned towards Notre Dame Street.

9.

That part of Gosford Street along the Government Garden, for eight vehicles only.

10.

That part of Chaboillez Square next to the Engine House.

11.

The south-west side of that part of Mountain Street immediately below St. Antoine Street, and extending towards St. Bonaventure Street.

12.

The north-west side of that part of Dorchester Street immediately above Mountain Street, and extending towards Guy Street, for eight vehicles only.

13.

The north-west side of that part of the said Dorchester Street lying between St. Alexander Street, and within at least two hundred feet of Beaver Hall Square, for six vehicles only; the horses' heads to face the said Square.

14.

That part of Union Avenue from the north-east corner of St. Catherine Street towards Sherbrooke Street for eight vehicles only, the horses' heads being turned towards St. Catherine Street.

Sec. 11. In every case where the above described stands are intersected by cross streets, rampways or footpaths, clear corresponding places shall be left for the same, but in no case shall the horses or vehicles stationed at any of the said stands, be allowed to remain or stand within twelve feet of any of the said cross streets or the crossings leading thereto; and all vehicles frequenting such stands shall close up from the front of each respectively, according to the order of their arrival.

Clear spaces to  
be left for cross  
streets &c

Articles deficient in weight, &c., to be confiscated.

Sec. 18. Any person who shall sell or offer for sale in any of the said Markets, any article whatsoever, which shall be deficient in the weight or measure for which the same shall be sold, or offered for sale, or which shall, with fraudulent intent, be disguised, shall, for the first offence, suffer forfeiture of every such article, and for the second or any subsequent offence, shall, besides such forfeiture, incur and be liable to the penalties of fine and imprisonment hereinafter imposed against all persons offending against any of the provisions of this By-law; and further, it shall be the duty of the said Clerks to seize and confiscate every such article in the manner hereinbefore prescribed.

Articles may be re-measured or re-weighed.

Sec. 19. It shall be competent for any purchaser who shall suspect any fraudulent dealing, or deem himself, or herself, wronged, in the weight or measure of any article or articles, bought by him or her on any of the said Markets, to demand and have such article or articles re-measured or re-weighed at any of the Market weigh-houses, on condition, however, that the purchaser shall pay the charges of such re-measuring and re-weighing, should the pretended weight or measure be found to be correct; but, if otherwise, such charges shall be paid by the vender, besides the penalty hereinbefore imposed.

Parties to be provided with scales, &c.

Sec. 20. All persons who shall sell or offer for sale, by retail, any goods or provisions whatsoever, by weight or measure, in or on any of the said Markets, shall each be provided with a good beam, scales, weights, and measures of proper dimensions, and duly stamped according to law; and no person having scales and weights for his own use, on any of the said Markets, shall weigh any articles whatsoever for other individuals.

Special license required to sell harness, &c.

Sec. 21. No person or persons shall hereafter sell, or expose for sale, on any of the said Markets, unless specially licensed to do so, any harness or leather, or any boots or shoes, of any description whatsoever, made of the same; nor shall any person hawk about small wares, fruits, vegetables, sweets, or biscuits, or any goods or wares whatsoever, on any of the said Markets.

Sec. 22. No person shall hereafter expose or sell any article or animal by auction, in or upon any of the said Markets, or on any of the streets adjoining or opposite to, or in the immediate vicinity of, any of the said Markets: provided that nothing herein shall be taken to extend to sales by authority of justice, or to sales made under the sanction of the Market Committee.

Auction sales  
on markets  
prohibited.

Sec. 23. All vehicles containing charcoal, boards, shingles, posts, ladders, water spouts and other wooden ware, usually brought to this City for sale, shall be hereafter placed and arranged on such part or parts of the St. Ann's and Cattle Market-places of this said City, as the Clerks thereof or their Deputies or Assistants shall determine, require or direct; and no owner or owners, driver or drivers, of any such vehicle as aforesaid, shall place or arrange any such vehicle elsewhere, or refuse, or neglect to comply with the determination, requirement or direction of the said Clerks, Deputy Clerks or Assistants, in this respect, or place his or their said vehicle, or cause the same to be placed elsewhere, or in any other manner than as directed by the Clerks of the said Markets.

Vehicles with  
charcoal  
boards, &c.,  
where placed.

Sec. 24. No Farmer, vegetable vender, or other person or persons, to whom no space or stand can be allotted on any of the said Markets, shall remain in, or encumber, with their vehicles or effects, any street or streets surrounding, or in the immediate vicinity of, any of the Markets.

Farmers, &c.,  
not to encum-  
ber streets.

Sec. 25. No person or persons shall play at any game, or lie down, or sleep, or behave in a disorderly, noisy, or riotous manner in, or within the limits of, any of the said Markets: nor shall any person or persons burn charcoal, or coal, or other substances in chafing dishes in any of the said Markets, without the special permission of the said Market Clerks respectively.

Order to be  
preserved on  
markets.

Sec. 26. It shall not be lawful for any person who follows the business of a huckster, forestaller or seller of any articles or provisions at second hand, to purchase or offer to purchase, either by himself or his agent, before the hour of eleven o'clock in the forenoon, any kind of provisions or provender

Hucksters and  
forestallers.

brought to the public Markets of this City, or offered for sale thereon; and the possession of any such provision or provender by such huckster, forestaller or other seller thereof, which may have previously been in the possession of any farmer or other person within the limits of the City, before the hour aforesaid, shall be deemed *prima facie* evidence of a violation of this section.

Orders of clerks  
of markets to be  
obeyed.

Sec. 27. All persons transacting business on any of the public Markets, or attending or being on the same, shall, in all matters affecting the peace, order, regularity, government and regulations of the said Markets, obey all reasonable orders and directions of the said Clerks thereof or their Deputies or Assistants; and no person or persons shall behave in a noisy, indecent, riotous or disorderly manner on the said Markets.

#### Article 4.

##### BUTCHERS.

Butcher's stalls  
to be let annu-  
ally.

Sec. 28. The Butchers' Stalls in the several Markets of this City shall be let annually in the month of April, by public auction; and written Leases of the same shall be immediately thereafter executed, in which Leases it shall be stipulated, among other things, that the term of the said Lease shall commence on the first day of May, then next; that the Rent shall be paid daily on demand; that the Lessees shall in no instance, directly or indirectly, sub-let the said Stalls, or any part thereof, or otherwise dispose of any interest they may have in the same; that they shall not permit the said Stalls, or any part thereof, to be occupied by any person or persons whomsoever, other than themselves, without the special consent of the Market Committee; that they shall observe and comply with all the Rules, Regulations and By-laws now legally established, and that may hereafter be so, for the government of the public Markets in this City; and that their neglect, omission, disregard, or violation of any of the said stipulations shall have the effect of immediately annulling the said Leases, and forfeiting their possession of the said Stalls.



Sec. 29. No person or persons shall hereafter cut, retail or weigh meat, Beef, Mutton, Veal, Lamb, Salt Pork or Beef, or expose the same for sale at any other than a Butcher's Stall, or at that of a Vender of Salt Provisions, in or upon any of the said Markets: Provided that nothing herein contained shall be held to prohibit Farmers from bringing to Market and selling there, in the carcass, or in quarters only, meat of any kind, and likewise venison.

Sale of meat limited to butchers' stalls.

Proviso.

Sec. 30. No Butcher shall hereafter permit any person or persons, other than those in his employ, to sell or expose for sale any article whatsoever on his Stall or Stalls in any of the said Markets; and no Butcher shall hereafter sell or expose for sale, any other article than meat on his Stall or Stalls, in any of the said Markets.

Butchers not to allow strangers to sell on their stalls, and to sell meat only.

Sec. 31. No Butcher or other person, whomsoever, shall sell, or permit others to sell, out of the Window of any Stall in any of the said Markets, or otherwise than in front of said Stalls.

Not to sell out of windows.

Sec. 32. No Butcher, or other person, dealing in or selling Beef, Mutton, Veal, or Venison at any Stall in any of the said Markets, shall keep or sell Pork (either fresh or salted) in or at the said Stall; neither shall any Pork Butcher, or other person, dealing in or selling Pork at any Stall in any of the said Markets, keep or sell any other kind of fresh meat thereat.

Butchers not to sell pork.

Pork vendors limited to pork.

Sec. 33. Each and every Butcher, or other occupier of a Stall or Stalls in any of the said Markets, shall keep the same, at all times, clean and in perfect order, and shall scrape and wash the chopping boards, blocks and benches thereof, as often as necessary, in order that no blood or filth whatever may remain thereon; and whenever any Stall or Stalls, in any of the said Markets, shall be left or kept in an unclean or improper state, or with the Windows, Doors or any other part thereof disfigured, injured, or broken, it shall be the duty of the said Clerks of Markets, to cause the Lessee or Lessees of said Stall or Stalls to be proceeded against for the fine and penalty hereinafter imposed against

Stalls to be kept clean.

all offenders against any of the provisions of this By-law, and, further, to cause the said Stall or Stalls to be cleansed and put in perfect order and repair, at the expense of the Lessees thereof respectively.

Butchers not to encumber passages.

Sec. 34. No Butcher or other person shall hereafter obstruct or encumber the passage between the Butchers' Stalls, in any of the said Markets, by leaving opposite to his Stall any heads or hides of any animal, or tubs of salted provisions or other meat, or anything else whatsoever; nor shall any Butcher hang or affix meat to his Stall, in any of the said Markets, so that the same shall project over the said passage; neither shall any Butcher hang or suspend meat over the said passage, in any of the said Markets.

Hand-carts, &c., on markets prohibited.

Sec. 35. No Butcher or other person shall hereafter drag or push away any hand-cart, sled, or traineau, during Market hours, on any of the passages or foot-paths of any of the said Markets.

No putrid meat to be left on stalls.

Sec. 36. No Butcher or occupier of a Stall or Stand, in any of the said Markets, shall keep or leave on the same any putrid or unwholesome meat, fish, or other putrid matter, or any matter or thing whatever diffusing an offensive odour.

Dogs on markets prohibited.

Sec. 37. No Butcher or other person selling in any of the buildings of the public Markets, shall bring any dog, or bitch therein, or permit the entry thereof into any Stall or place occupied by him, or harbour or shelter any such therein.

Tallow or green hides.

Sec. 38. No Butcher or other person shall bring any tallow or greep hide or hides to any of the said Markets, or shall sell or dispose of the same therein.

Fees to be collected by clerks of markets.

Sec. 39. The following shall hereafter be the rent or daily payment to be demanded and received by the several Clerks of Markets, for the occupation of unrented Stalls or Stands therein, to be daily collected by the said Clerks immediately on such Stalls or Stands being occupied, and to be accounted for in such a manner, and at such times as the

Market Committee shall direct; provided that the said Committee may, at all times, lease the said Stalls or Stands by the month or by the year, if deemed advisable so to do.

Firstly,—For a Stand under cover, occupying a space of Three Feet, for the sale of fresh butter, eggs, poultry, &c., the produce of the farms of the Venders, Five Cents per day.

Secondly,—For a Stand under cover, of Five Feet in breadth, for the sale of fresh or salt pork, beef, or mutton, in the carcass or quarter, or any other article usually exposed for sale on the said Market, Twenty-five Cents per day.

Thirdly,—For a Stand for each vegetable or fruit cart, or corresponding winter vehicle, Twelve and a half Cents per day.

Fourthly,—For a Stand for each Farmer's cart, or corresponding winter vehicle, Five Cents per day: provided that vegetables or the produce of a garden be not brought therein, in which case Twelve and a half Cents per day shall be charged therefor, as for a fruit or vegetable cart or vehicle.

Fifthly,—For a Stand of Five Feet in breadth, for the sale of eggs and poultry, not the produce of the Vender's farm, Twenty-five Cents per day.

Sixthly,—For a Stand of Five Feet in breadth, for a Fruiterer, Twenty-five Cents per day.

Seventhly,—For a Stand of Five Feet in front, for the sale of cooked victuals, Ten Cents per day.

Eighthly,—For a Stand of Three Feet in front, for the sale of wild fruits, Five Cents per day.

Ninthly,—For a Stand of Three Feet in front, for the sale of any article not hereinbefore enumerated, Five Cents per day.

Tenthly,—For a Stand for each Farmer's cart, or corresponding winter vehicle, bringing beef, mutton, veal, pork, or venison, in quarters, to Market, Twenty-five Cents per day: provided that if the said beef, mutton, veal, pork, or venison, be in the carcass, the Farmer shall only pay therefor, at the rate of Five Cents per carcass.

Rent of stalls  
payable on  
demand.

Sec. 40. All Butchers or other persons liable to pay rent, rates or dues on the said Markets, or by reason of their having Stands or places thereon, or of occupying any part thereof, shall hereafter promptly do so, whensoever thereunto required by the Clerks of the said Markets severally, their Assistants or other persons authorized to demand and collect the same. All the Stalls and Stands in the said Markets shall be numbered in the manner to be determined on by the Market Committee.

Stalls to be  
numbered.

Stalls to revert  
to the city in  
certain cases.

Sec. 41. When the Lessee of any Stall, or occupant of any Stand or Cellar in any of the said Markets, shall, from any cause whatever, vacate the same, or shall receive notice from the Market Committee to vacate the same, or shall neglect or refuse to pay his rent for the space of forty-eight hours, or shall neglect or refuse to comply with any regulations established for the good order and cleanliness of the said Markets, the Stall, Stand, or Cellar of such Lessee or occupant shall thereupon revert to the City, and be at the disposal of the Market Committee.

Private stalls  
to be licensed.

Sec. 42. The said Council may issue special licenses to Butchers or other persons who may desire to open or keep private Stalls at their store, shop or residence in the said City, for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, venison, or other provisions usually sold in the Market Stalls; the said licenses subject, however, to the provisions and stipulations contained in the following sections:

No person to  
open private  
stall without  
leave.

Sec. 43. No Butcher or other person shall open or keep a private Stall in the said City, or a Stall elsewhere than in one of the public Markets of the said City, for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, or other provisions usually sold by Butchers in the Markets, without having first applied for and obtained permission and authority from the said Council so to do, and without having paid the duty imposed in and by the following section.

Duty on private  
stalls.

Sec. 44. An annual duty of Five Hundred Dollars shall be and the same is hereby imposed upon each and every person,

or firm of persons keeping a private Stall in the said City for the sale therein of fresh beef or pork, fresh veal, mutton, lamb, venison or other provisions usually sold by Butchers in the Markets, which said duty shall be due and payable to the City Treasurer so soon as such person, or firm of persons, shall be prepared to open the said Stall, and before having any sale therein; and the year for which said duty shall be paid and received, shall be computed and reckoned from said date of the parties being so prepared to open said Stalls and to begin business as aforesaid.

Sec. 45. Any and every Butcher, or other person, keeping a private Stall as aforesaid, or a Stall in the said City elsewhere than on one of the said public Market places, or selling fresh beef or pork, veal, mutton, lamb, venison or other provisions as aforesaid, or offering or exposing the same for sale, in or at his, her, or their store, shop, residence, or elsewhere in the said City, than on one of the said public Markets, who shall neglect or refuse to pay the said duty of five hundred dollars, and who shall continue to keep a private Stall as aforesaid, or to sell, or offer, or expose for sale as aforesaid, after the said duty has been asked for or demanded of him, her or them, or after due notice to pay the same shall have been left or served at his, her, or their domicile or place of business, shall be liable to a Fine not exceeding Twenty Dollars, and to an Imprisonment not exceeding Thirty Days, for each and every day, (if sued for separately) that he, she, or they shall so continue to keep such private Stall, or to sell or expose or offer for sale as aforesaid.

Neglect or refusal to pay the duty.

Sec. 46. No Butcher or other person or persons whomsoever, keeping a private Stall as aforesaid, or a Stall elsewhere than on one of the said public Market places, or selling fresh beef or pork, veal, mutton, lamb, venison or poultry, or offering or exposing the same for sale, in, or at his, her, or their store, shop, residence, or elsewhere in the said City, than on one of the said public Markets, shall keep or allow the said Stall or other place to be in an unclean or filthy state; neither shall any such Butcher or other person aforesaid, have, or expose, or offer, for sale, at the said Stall or place of sale,

Rules to be observed by holders of private stalls.

No person shall obliterate numbers.

Sec. 48. No person shall obliterate, deface, reverse, cover over, or by any contrivance conceal or render illegible, the number or numbers of his Vehicle or Vehicles, or permit the same to be done.

Numbers may be painted on vehicles.

Sec. 49. Every person, being the owner or owners of any Vehicle or Carriage, for hire in the said City, who shall prefer to have the number or numbers for which a certificate or certificates of registry has or have been procured, painted on any such Vehicle or Vehicles, shall be required to apply for and obtain the leave of the Chief of Police of the said City, so to paint the said number or numbers on any such Vehicle or Vehicles; and shall, moreover, in every such case, after leave has so as aforesaid been obtained, be further required to cause the same to be painted on such Vehicle or Vehicles so as to correspond as to size and colour with the tickets of numbers issued under the authority of the said Chief of Police.

Testimonials of good conduct to be produced if required.

Sec. 50. Each and every person hereafter applying for a license under this By-law shall, if required, before obtaining the same, produce and file a testimonial or certificate, which shall be satisfactory to the Chief of Police, of his or their honesty, sobriety, and upright character, and of his or their capacity and means to keep a good horse and Vehicle.

Master carters liable for misconduct of drivers.

Sec. 51. Master carters, employers and owners of horses and Vehicles, shall in all cases, be liable for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or Vehicles; and for each offence committed by their said servants, drivers, or other persons in their employ, or having charge of their horses or Vehicles, against any of the provisions of this By-law, the said master carters, employers, and owners of horses and Vehicles shall be liable to the same fine and penalty as are therein and thereby imposed upon the said servants or drivers, or other persons aforesaid, the actual offenders.

Penalty.

Sec. 52. Any and all persons, offending against any of the provisions of this By-law, shall, for each offence, forfeit and

pay a Fine not exceeding Twenty Dollars and costs of prosecution, and be liable to Imprisonment in the Common Gaol or in the House of Correction, at hard labour, for a period not exceeding one calendar month.

Sec. 58. The several rates enumerated and specified in the Tariff contained in the subjoined Schedule shall be the rates which the Chief of Police shall be and is hereby authorized to annually demand and exact for the license for any of the Carriages or Vehicles therein mentioned.

Tariff of rates  
and duties to be  
paid by carters,  
&c.

(Schedule.)

### TARIFF OF RATES

To be collected annually by the Chief of Police for licenses issued to carters and others using hackney-carriages or vehicles for the conveyance of passengers, or the transport of goods, wares, merchandise, building materials, produce or other articles, in the City of Montreal.

#### HACKNEY CARRIAGES.

1. For every Cab, Caleche, or other two wheeled vehicle—*Five dollars* ..... \$5.00
2. For every four wheeled Carriage drawn by one horse—*Seven dollars* ..... 7.00
3. For every coach or four wheeled Carriage drawn by two horses—*Nine dollars* ..... 9.00
4. For every Omnibus or Stage coach—*Sixteen dollars* ..... 16.00

#### CARTS, TRUCKS, WAGGONS AND OTHER VEHICLES.

The licenses for Carts, Trucks, and other vehicles used for the conveyance of goods, wares, merchandise, etc., shall be divided into three classes, as follows:

The first class shall include all Carts, Waggon, and other vehicles running within the City for hire or reward not otherwise expressly provided for, and shall pay:—

5. For every Cart, Truck, or other two wheeled vehicle—*Two dollars* ..... 2.00

- 
- |   |        |
|---|--------|
| 6. For every Waggon or four wheeled vehicle drawn by one horse— <i>Six dollars</i> .....  | \$6.00 |
| 7. For every Waggon or four wheeled vehicle drawn by two horses, and made to carry a load under 4,000 lbs. weight— <i>Seven dollars</i> .....   | 7.00   |
| 8. For every heavy Waggon, float or other four wheeled vehicle drawn by two or more horses, and made to carry heavy articles or materials weighing 4,000 lbs. or upwards— <i>Nine dollars</i> .....   | 9.00   |
| 9. For every Diable .....   | 4.00   |
| 10. The second class shall include all Carts, Waggon or other vehicles used by Merchants, Traders, Manufacturers, Contractors for the conveyance or delivery of the articles or effects dealt in, manufactured or made use of by them, for each of which there shall be paid, in addition to the rates charged for in the first class— <i>Two dollars and fifty cents</i> ..... | 2.50   |
| 11. The third class shall include all Carts, Waggon, or other vehicles used by Expressmen, Bakers, Brewers, Distillers, Farmers or Gardeners, for each of which there shall be paid, in addition to the rates charged for in the first class— <i>Five dollars</i> .....   | 5.00   |

Parties obtaining licenses, as aforesaid, shall moreover pay the annual assessment on all working horses employed in drawing the above mentioned vehicles or Carriages, at the rate of *two dollars and fifty cents* (\$2.50) each, and also twenty-five cents for each number granted by the Chief of Police.

The same rates shall apply to all corresponding winter vehicles.





## CHAPTER XXXIII.

## By-Law concerning Water Courses.

**B**E it ordained and enacted by the Council of the City of Montreal, as follows :

Sec. 1. Every proprietor of real estate situate within the limits of the said City, and through which a natural Water Course may pass, shall be held and obliged to keep the section of the said Water Course passing through his property as aforesaid, in good order at all times, so that the water may have its free course, without any obstruction or hindrance whatever; and every such proprietor shall be held and obliged to make all the necessary works to that effect.

Proprietors to keep water-courses in good order.

Sec. 2. No person shall obstruct any natural Water Course in the said City, or in any way or manner whatsoever interfere with the same, so as to impede or disturb its course; nor shall any person cover any natural Water Course or erect thereon any building whatever, unless the same be previously viewed and laid out by the City Surveyor or his Deputy, nor in any other manner than the said Surveyor or his Deputy shall direct; and any person who may hereafter cover any such Water Course, or erect thereon any building as aforesaid, shall, before doing so, give at least eight days' notice of his or her intention so to do, to the said City Surveyor, who shall thereupon examine the premises and determine the manner in which the work shall be done, or the building erected, so as not to interfere with or impede the natural flow of the water.

Water-courses to be unobstructed.

Notice to cover.

Sec. 3. The City Surveyor or his Deputy may, at all times, enter upon any lot of ground or property in the said City through which a Water Course shall pass, and whenever any such Water Course is found to be out of order, or contrary to the provisions hereinbefore enacted, the City Surveyor or his Deputy shall give notice thereof in writing to the proprietor

Powers of City Surveyor in relation to water-courses.

of such lot or property, calling upon him at the same time to make the necessary works so as to put the said Water Course in good order within fourteen days; and if at the expiration of that time, the said works are not made, the said City Surveyor or his Deputy may, and he is hereby authorized to cause the said works to be made at the expense of the said proprietor, who shall be held and obliged to reimburse the cost thereof to the Corporation of the said City of Montreal.

Water-courses  
may be  
diverted, &c.

Sec. 4. The said Council, whenever they may deem it in the interest of the City so to do, may order any Water Course in the said City to be diverted, altered, stopped or discontinued.

Penalty.

Sec. 5. All persons offending against any of the provisions of the present By-law, or who shall prevent or endeavour to prevent its proper execution, shall incur a Penalty not exceeding Twenty Dollars, and be liable to an Imprisonment not exceeding Thirty Days, for each offence.

## CHAPTER XXXIV.

### By-Law concerning By-Laws.

ARTICLE I. OF THE CONSTRUCTION AND EFFECT OF BY-LAWS IN CERTAIN CASES.

ARTICLE II. OF THE REVISED BY-LAWS, AND THE REPEAL OF CERTAIN BY-LAWS.

#### Article 1.

OF THE CONSTRUCTION AND EFFECT OF BY-LAWS IN CERTAIN CASES.

**A**T a special Meeting of the Council of the City of Montreal, held in the City Hall of the said City of Montreal, this tenth day of May, in the year of Our Lord One Thousand Eight Hundred and Sixty-Five, in the manner and after the observance of all the formalities prescribed by law; at which said Meeting not less than two-thirds of the Members of the Council, to wit, the following Members, are present, viz: His

Worship the Mayor, J. L. Beaudry, Esquire ; Aldermen : Grenier, Rodden, Gorrie, David, Bowie, Rolland, Stevenson, McCready ; Councillors : McGibbon, Devlin, Labelle, Goyette, McNevin, Higginson, McGauvran, Leduc, Poupart, Archambault, Alexander, Ogilvie, Brown, Isaacson and Cassidy.

It is ordained and enacted by the said Council as follows :

Sec. 1. Whenever in any By-law any Committee is mentioned by the name or title of such Committee, all the provisions therein contained, relating to such Committee, shall be construed to apply and refer to the Committee of the City Council, designated by such name or title.

Committees of the City Council, how designated in By-laws.

Sec. 2. Whenever the word "street" or "streets" is mentioned in any By-law, it shall be construed to include highways, roads, avenues, courts, public lanes and alleys ; and it shall also be construed to include side-walks or foot-paths, unless the contrary is expressed, or such construction would be inconsistent with the manifest intent of the City Council.

The word "street" defined.

Sec. 3. Whenever any words in any By-law, importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matters, party or person, shall be deemed to be included, although distributive words may not be used ; and when any subject matter, party, or person, shall be referred to in any By-law, by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate, shall be deemed to be included ; Provided that these rules of construction shall not be applied to any By-law, which shall contain any express provision excluding such construction, or where the subject matter or context of such By-law may be repugnant thereto.

Certain words, how construed.

Sec. 4. Whenever in any By-law, the doing of any act, or duty, is declared to be a breach thereof, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach, shall be liable to a Fine not exceeding Twenty Dollars, or an Imprisonment not exceeding Thirty Days.

Penalties in cases not provided for.

## Article 2.

### OF THE REVISED BY-LAWS, AND THE REPEAL OF CERTAIN BY-LAWS.

Revised By-laws of the City of Montreal described by chapter and title.

Sec. 5. The following By-laws, severally described by chapter and title, printed and contained in the preceding pages, that is to say, in a book entitled *Municipal Laws*, printed and published by direction and authority of the said Council, and purporting to be *The Charter and By-laws of the City of Montreal, together with Miscellaneous Acts of the Legislature relating to the City, with an Appendix; compiled, revised and codified, by order of the City Council, by Charles Glackmeyer, City Clerk*, and also this By-law, be and the same are hereby ordained and declared to be the revised By-laws of the City of Montreal, and to be in full force and effect from this day, that is to say:

- Chapter I. By-law in relation to the Mayor.
- Chapter II. By-law in relation to the City Clerk.
- Chapter III. By-law in relation to the City Treasurer.
- Chapter IV. By-law in relation to the City Surveyor.
- Chapter V. By-law to provide for the care and management of the Montreal Water Works, and to establish a Tariff of Water Rates.
- Chapter VI. By-law in relation to Assessments and Taxes.
- Chapter VII. By-law to establish a Board of Health in the City of Montreal.
- Chapter VIII. By-law in relation to the Manufacture and Sale of Bread.
- Chapter IX. By-law concerning the Erection of Buildings.
- Chapter X. By-law concerning Burials.
- Chapter XI. By-law to establish and regulate the City Passenger Railway.
- Chapter XII. By-law to regulate the Sale and Measurement of Coal.
- Chapter XIII. By-law concerning Dogs.
- Chapter XIV. By-law in relation to Ferries.
- Chapter XV. By-law concerning the Fire Department.

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- Chapter XVI. By-law concerning Firewood.
- Chapter XVII. By law concerning offences against good morals and decency.
- Chapter XVIII. By-law concerning Gunpowder.
- Chapter XIX. By-law concerning Public Markets and the sale of Meats, Vegetables, &c.
- Chapter XX. By-law in relation to Masters and Apprentices.
- Chapter XXI. By-law concerning Nuisances.
- Chapter XXII. By-law establishing and regulating the Police Department of the City of Montreal.
- Chapter XXIII. By-law to preserve Public Peace and Good Order.
- Chapter XXIV. By-law concerning Public Squares.
- Chapter XXV. By-law concerning Public Pounds.
- Chapter XXVI. By-law to establish a Tariff of Fees for the Public Crier.
- Chapter XXVII. By-law to establish a Tariff of Fees for the Recorder's Court.
- Chapter XXVIII. By-law concerning Sewers.
- Chapter XXIX. By-law concerning Streets.
- Chapter XXX. By-law concerning Sidewalks.
- Chapter XXXI. By-law concerning Vaults and Cisterns.
- Chapter XXXII. By-law concerning Vehicles.
- Chapter XXXIII. By-law concerning Water-courses.

Sec. 6. All By-laws of the City of Montreal, heretofore passed in relation to the subject matter of, or inconsistent with any of the By-laws named or mentioned in the next preceding section shall be and the same are hereby severally repealed : Provided, that such repeal shall not affect any act done or any right accruing or accrued, or established, or any suit, action or proceeding had or commenced in any civil case before the time when said repeal shall take effect, nor any offence committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal, for any offence committed, or for the recovery of any penalty, forfeiture, taxes, rates or assessments incurred or due under any of the By-laws so repealed.

By-laws  
repealed.



## APPENDIX.

## Law on Expropriations, &amp;c.

(27 AND 28 VICTORIA, CAP. 60.)

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

(Assented to 30th June, 1864.)

WHEREAS the Corporation of the City of Montreal have Preamble. by their petition represented that in consequence of the rapid extension of the City of Montreal, it has become necessary to make out a general plan of the said City, and to lay out, fix and determine the Public Streets and Squares opened or to be opened, continued, extended or widened, within the limits of the said City, and for that purpose to vest in the said City, incorporated under the name of the Mayor, Aldermen and Citizens of the City of Montreal, more ample powers than those conferred upon the said City, by its Act of Incorporation, and the Acts amending the same; and whereas much difficulty is oftentimes experienced in the carrying out of the laws now in force relating to expropriations, for the purposes of public utility, and the delays and loss of time consequent upon the defective working of the said laws: and whereas it is expedient to make certain changes and modifications in the municipal administration of the said City: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

B\*

## GENERAL PLAN OF THE CITY OF MONTREAL.

Corporation to employ surveyors to lay out streets of the city.

1. It shall be lawful for the said Corporation, at any time, to cause Public Streets, Highways, Places and Squares, within the whole extent of the limits of the said City, to be laid out, fixed and determined at the City's expense, under the direction and supervision of the Road Committee and the City Surveyor, and to give a name to each of the said Public Streets, Highways, Places, and Squares : and for that purpose the said Corporation may employ a sufficient number of Surveyors or other competent persons who shall, with all due diligence, proceed to lay out, fix and determine under the direction and supervision aforesaid, and under as uniform a system as circumstances may admit, such Public Streets, Highways, Places and Squares, of such dimension, width and extent, as may appear to them most desirable for the public interest ; Provided any such Highway or Street shall not be less than forty feet in width.

Proviso.

The said surveyors may enter upon property.

They shall make out plans of streets, &c.

They shall place boundary stones at corners of new streets.

2. The said Surveyors or other persons employed in the exercise of the duties assigned to them, in and by the preceding section, may, and they are hereby authorized to, enter in day time upon any property or real estate within the limits of the said City ; they shall, under the direction and supervision aforesaid, make out plans or maps indicating the Streets, Highways, Public Places, and Squares now existing, as well as those which they shall lay out and determine, by and in virtue of the present Act ; and they shall designate upon the said plans or maps, the new lines of the Streets, or sections of Streets, Public Highways, Places and Squares, that the said Corporation may have resolved to widen, in the interest of the public ; and they are hereby enjoined to place solid and durable Boundary-stones at each angle or corner of the new Streets and Public Squares, and Places by them laid out and established ; which said Boundary-stones shall be shewn upon the said plans or maps.

The laying out of streets and plan may

3. It shall be lawful for the said Corporation to cause the said Streets, Public Highways, Places and Squares, to be



laid out, and the plan or map thereof to be made for each Ward separately, according to the present division of the City, beginning by such Ward as may be deemed advisable; but the plans or maps of the different Wards of the said City shall be so made as to correspond with each other in such a manner as that, when completed, they shall make but one and the same plan, to be known as "The General Plan of the City of Montreal."

be made by sections.

To form but one plan when completed.

4. When the plan or map for any one of the Wards of the said City shall be completed, the said Corporation, by their Attorney and Counsel, shall apply, by summary petition to the Superior Court for Lower Canada, in the District of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in four newspapers, two of which, published in the French language and two in the English language, in the said City; provided that the said notice shall have at least two insertions in each of the said four newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition; the same formalities shall be observed for the plan or map of each of the other Wards of the said City, as such plan is completed.

Plan for each section, when completed, subject to confirmation by Superior Court.

5. Every such plan or map of a Ward, when confirmed by the said Superior Court, shall be final, decisive and binding upon the said Corporation and the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new Streets, Public Places or Squares shewn on the said plan, or at the time of the widening of any of the Streets, Public Places or Squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new Streets, Public Places or Squares, or for the widening of any of the said Streets, Public Places or Squares of the said City; provided that nothing con-

Plan when confirmed to be final and binding upon all parties concerned.

tained in this Act shall be construed as depriving the said Corporation of the right of widening or extending any of the Streets, Public Places or Squares designated in the said plan, after its confirmation, if deemed advisable so to do.

Duplicate of  
plan provided  
for.

6. A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the Prothonotary of the said Court, and another in the archives of the said Corporation; and when such plan shall have been confirmed and ratified by the Superior Court as aforesaid, the City Clerk shall make an entry upon the duplicate of the said plan deposited in the archives of the said Corporation in the following words: "confirmed by the Superior Court on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_."

New streets,  
when to be  
opened.

7. The said Corporation of the City of Montreal shall have all the necessary powers to open to the public, whenever the said Corporation shall deem it advantageous to do so in the interest of the City, any new Street, Highway, Public Place or Square shewn on the said plans or maps, and also to widen any of the Streets, Public Places or Squares thereon indicated as widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments.

Term, new  
streets, how  
to be inter-  
preted.

8. The designation of new Streets and Public Places or Squares, in and by this Act, applies to such Streets, Public Places or Squares as have not been opened and named before the passing of this Act.

Penalty for  
interfering  
with bound-  
ary stones.

9. Any person who shall remove, or in any manner whatsoever injure, the Boundary-stones mentioned in the second section of this Act, shall be held as guilty of a misdemeanor and punishable accordingly; and it shall be competent for the Recorder's Court of the said City to take cognizance of, and adjudicate upon, such misdemeanors.

#### EXPROPRIATION AND SPECIAL ASSESSMENT.

Repeal of for-  
mer enactments  
relative to ex-  
propriations &c.

10. The sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first and seventy-fourth sections of the Act passed in the session held in the fourteenth and fifteenth years

of Her Majesty's reign, chapter one hundred and twenty-eight, the fourth section of the Act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and twenty-eight, and the thirty-fifth, thirty-sixth, thirty-seventh and fifty-first sections of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, and generally all the provisions of the said Acts, or any other Acts, inconsistent with the enactments of the present Acts, shall be, and they are hereby severally repealed.

11. The Council of the said City of Montreal shall have full power and authority to order, by resolutions, the opening, extending or widening of Streets, Public Highways, Places or Squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the City's funds, or that the cost thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said City, either by private agreement or amicable arrangement between the Corporation of the said City and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening Streets, Public Squares, Markets or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as a site for any public building to be erected by the said Council.

City Council may order opening or widening of streets, and acquire land for that purpose.

Under what formalities.

12. All Corporations or bodies, and all husbands, tutors, guardians, curators, *grevés de substitution* or trustees, who are or shall be seized or possessed of, or interested in any piece or pieces, lot or lots of ground or real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are, or shall be seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to

Corporations, tutors, husbands, &c., may sell and convey to the City Council.

the said Corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all Corporations and persons whatever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without however diminishing, in any manner whatever, the responsibility of such Corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

Mode of procedure in cases of expropriation.

13. In case the Council of the said City, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property within the limits of the said City, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said Corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit:

Notice of application to the Superior Court for appointment of Commissioners.

1. The Corporation of the said City, by their Attorney or Counsel, shall give special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said City, which said notice shall have two insertions in each of the said newspapers, that they will, by and through their said Attorney and Counsel, present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the

District of Montreal, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said Corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*); and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof;

Said notice to be posted on property to be expropriated.

2. The Court or Judge, as the case may be, to whom the said petition shall have been presented, shall appoint three Commissioners as aforesaid, and fix the day on which the said Commissioners shall begin their operations, and also the day on which they shall make their report; provided always, it shall be lawful for the said Court, or the said Judge, to extend the said delays upon reasonable grounds being shown to that effect;

Appointment of Commissioners by the said Court.

3. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said Commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior Court to inflict upon each of the said Commissioners upon proof of his or their refusal or neglect to perform the said duties; but the exemptions provided for, in behalf of certain persons, by the second section of chapter eighty-four of the Consolidated Statutes for Lower Canada, relating to Juries, shall apply equally to any of the said Commissioners, who may

Commissioners held to accept appointment under penalty.

Exemptions.

appertain to any one of the classes of persons mentioned in the said last cited section ;

City Surveyor  
to furnish  
Commissioners  
with plan, &c.

4. Immediately after the appointment of the said Commissioners, it shall be the duty of the City Surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated ;

Commissioners  
to be sworn.

5. The said Commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked A ; and they shall be vested with the same powers and entrusted with the same duties as are conferred by the laws in force in Lower Canada upon experts in reference to appraisements ; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties ;

Their powers,  
&c.

Salary.

Commission-  
ers to be fur-  
nished with  
title-deeds of  
lots to be ex-  
propriated.

6. The said Commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demands, the said Commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation ;

Procedure for  
ascertaining  
value of pro-  
perty.

7. It shall be the duty of the said Commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the City Council or for the damages caused by such expropriations ; and the same Commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected required for any improvement which the said Council may have ordered to be made or carried out at one and the same time ; and the said Commissioners are hereby authorized and required to hear the

parties and to examine and interrogate their witnesses as well as the members of the City Council and the witnesses of the said Corporation; but the said examination and interrogatories shall be made *vivâ voce* and not in writing, and shall consequently not form part of the report to be made by the said Commissioners, any law, usage or custom to the contrary notwithstanding; provided always, that if in the discharge of the duties devolving on the said Commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said Commissioners shall have the same force and effect as if all the said Commissioners had concurred therein;

Examination  
of parties and  
witnesses.

Proviso: de-  
cision of two  
Commission-  
ers to be  
binding.

8. In every case wherein the Corporation of the said City may have resolved to carry out and execute any of the works or improvements aforesaid, at the City's expense exclusively, the said Commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said Corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required; and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said Commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

Increased va-  
lue of residue  
of property to  
be taken into  
consideration  
in certain cases.

9. If one or more of the said Commissioners, at any time after their appointment, shall fail in the due performance of

In case the  
Commission-  
ers fail in the

due performance of their duties, proceedings may be stayed, &c.

the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the Corporation of the said City, by its Attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said Commissioners, and to remove and replace the Commissioner or Commissioners who may have forfeited or violated his, or their, obligations ; and upon such petition the said Court, or Judge, may issue such orders as may be deemed conformable to justice ;

In case of death, &c., of Commissioners, others to be appointed.

10. In case any of the said Commissioners should, after being appointed, die, or be unable to act, the said Court, or one of the Judges thereof, as the case may be, shall upon a summary petition to that effect, to be presented by the Corporation of the said City, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such Commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor ;

Parties to be heard by Commissioners after public notice.

11. So soon as the said Commissioners shall have completed the proceedings relating to the appraisalment, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisalment, shall be heard before them in one of the rooms of the City Hall ; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said Commissioners to maintain or modify, at their own discretion, the appraisalment made by them of any piece or parcel of land or real estate as aforesaid ;

Report of Commissioners to be sub-

12. On the day fixed in and by the judgment appointing the said Commissioners, the Corporation of the said City, by



their Attorney or Counsel, shall submit to the said Superior Court, or to one of the Judges thereof, respectively, the report containing the appraisement of the said Commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal.

mitted to the Court for confirmation.

No appeal afterwards.

14. In case any Street, Public Place or Square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said City, hereinbefore provided for, or if any Street, Public Place or Square shown and designated on the said plans or maps shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the Corporation of the said City may resolve to acquire for public purposes, from the time that the public notice mentioned in the sub-section number one of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate, as aforesaid.

No indemnity granted for buildings erected on property about to be expropriated, after posting up of notice.

15. The Corporation of the said City shall, within fifteen days from and after the confirmation and homologation of the report of the said Commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said Corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the Corporation of the said City, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or

After the confirmation of Report, Corporation to deposit amount of compensation, &c.

Effect of deposit.

due performance of their duties, proceedings may be stayed, &c.

the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the Corporation of the said City, by its Attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said Commissioners, and to remove and replace the Commissioner or Commissioners who may have forfeited or violated his, or their, obligations; and upon such petition the said Court, or Judge, may issue such orders as may be deemed conformable to justice;

In case of death, &c., of Commissioners, others to be appointed.

10. In case any of the said Commissioners should, after being appointed, die, or be unable to act, the said Court, or one of the Judges thereof, as the case may be, shall upon a summary petition to that effect, to be presented by the Corporation of the said City, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such Commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

Parties to be heard by Commissioners after public notice.

11. So soon as the said Commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisement, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said Commissioners to maintain or modify, at their own discretion, the appraisement made by them of any piece or parcel of land or real estate as aforesaid;

Report of Commissioners to be sub-

12. On the day fixed in and by the judgment appointing the said Commissioners, the Corporation of the said City, by

their Attorney or Counsel, shall submit to the said Superior Court, or to one of the Judges thereof, respectively, the report containing the appraisal of the said Commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal.

mitted to the Court for confirmation.

No appeal afterwards.

14. In case any Street, Public Place or Square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said City, hereinbefore provided for, or if any Street, Public Place or Square shown and designated on the said plans or maps shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the Corporation of the said City may resolve to acquire for public purposes, from the time that the public notice mentioned in the sub-section number one of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate, as aforesaid.

No indemnity granted for buildings erected on property about to be expropriated, after posting up of notice.

15. The Corporation of the said City shall, within fifteen days from and after the confirmation and homologation of the report of the said Commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said Corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the Corporation of the said City, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or

After the confirmation of Report, Corporation to deposit amount of compensation, &c.

Effect of deposit.

parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said Corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter on possession of, and use the same for any of the purposes authorized in and by this Act; any law, statute or usage to the contrary notwithstanding.

Mortgages on land expropriated, removed.

16. Any expropriation made in virtue of the present Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgagees or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act.

Recourse of mortgagees on the price.

Money, how to be distributed.

17. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the next preceding section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors), the amount of such price or compensation and damages shall not be subject to the tax imposed by and in virtue of the twelfth Victoria, chapter one hundred and twelve, nor to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost.

Proviso: compensation not liable to tax under 12 V. cap. 112.

Exception.

Provisions extended to compensation

18. All the provisions contained in the thirteenth section of the present Act with regard to the appointment of

Commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the Corporation of the said City, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said Corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said Council, in the level of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any By-law of the said Corporation, or to any party by reason of any other act of the said Council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said Corporation shall not agree ; and the amount of such compensation shall be paid at once by the said Corporation to the party having a right to the same, without further formality ; and any person who shall erect any building whatever upon or contiguous to any established or contemplated Street, Public Place or Square in the said City, without having previously obtained from the City Surveyor the level of such Street, Public Place or Square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said Council, through the Road Committee.

for alterations  
of levels, &c.

Parties to  
obtain proper  
level before  
building.

19. In all cases where, for the purpose of opening any Street, Square, Market-place or other Public Place, or for continuing, enlarging or otherwise improving the said Streets, Squares, Market-places, or other Public Places, or as a site for any public building to be erected by the said Corporation, the said Corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes ; Provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out

Corporation  
may acquire  
a certain ex-  
tent of land  
over and  
above portion  
required for  
improvement.

Proviso: ex-  
tent limited.

Proviso: party may object, and Corporation shall then take only land required for the improvement.

of one or both sides of the said Street, Square, Market-place or site for any public building, in case the proposed improvement applies to both sides of such Street, Square, Market-place or site, as aforesaid; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said Corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said Corporation at least two days previous to the day fixed as aforesaid on which the said Commissioners are to begin their operations; in which case the said Corporation can only take and acquire the piece or parcel of land required for the improvement and no more.

Power to open streets, &c., beyond the city limits.

Proviso: consent of municipality to be first obtained.

20. The Corporation of the said City may open, continue or widen any Streets or Highways, and establish Public Parks or Squares, beyond the limits of the said City, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act for similar improvements within the limits of the said City; Provided, always, that before exercising any of the powers conferred upon it by the present section, the said Corporation shall be held to obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the Public Parks, Squares or Public Places to be opened or established as aforesaid.

Corporations may invest price of compensation, &c.

21. Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Montreal, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same, without Her Majesty's letters of mortmain, any law to the contrary notwithstanding.

22. So soon as the report of the said Commissioners shall have been confirmed and ratified by the said Court, or by one of the Judges thereof, as the case may be, conformably to the tenth sub-section of the thirteenth section of this Act, it shall be the duty of the Assessors of the said City, in all cases where the said Council may have ordered, in conformity with the eleventh section of this Act, that the cost of the said works or improvements shall be borne in whole or in part, by the proprietors or parties interested, benefited or to be benefited by the said works or improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited by such improvement; and the said Assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said Assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement.

In cases where proprietors have to pay cost or part of cost of improvement, City Assessors to assess such cost.

23. Immediately after the completion of the said special assessment roll, the said Assessors shall deposit the same, duly certified along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the City Clerk, for the examination and inspection of all parties interested: and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said City, which notice shall have at least two insertions in one newspaper published in the French language, and a like number of insertions in one newspaper published in the English language; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said

Assessment Roll, when completed, to be deposited, &c.

Public notice to be given.

Revision of Assessment Roll.

notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said Assessors may, and they are hereby empowered to maintain or modify, at their discretion, the special assessment roll; provided that the delay of fifteen days aforesaid once expired, the said special assessment roll shall of right be confirmed and become in force by the mere lapse of time.

**Proviso.**

**Special assessment, how recoverable.**

24. The special assessment mentioned in the next preceding section may be recovered by the Corporation of the said City in the same manner as any other tax or assessment which the said Corporation are authorized to impose by their charter and the several Acts amending the same.

**Duties may be performed by a majority of the assessors.**

25. The duties assigned to the said Assessors by the twenty-first and twenty-second sections of the present Act may be performed with the same force and effect by the concurrent majority of the said Assessors; and in every case where a difference of opinion may arise between the said Assessors, the decision of the majority of all the Assessors shall have the same force and effect as if the whole of the said assessors had concurred therein.

**New mode of expropriation extended to improvements ordered before passing of this Act.**

26. The mode prescribed in the preceding sections for expropriations and for levying and determining special assessments shall have force and effect, and shall be followed and applied, not only as regards works and improvements which the Council of the said City may hereafter order to be carried out, but also with respect to all and every the works and improvements which the said Council may have resolved at any time before the passing of this Act to carry out.

**Local improvements extended to stone paving, &c.**

27. It shall be lawful for the Council of the said City to order, by resolution, certain works or improvements in the Streets, Public Places or Squares of the said City, such as dressed stone paving, flagstone or brick footpaths or side-walks, or grading, and to defray the cost of the said works or improvements out of the City funds, or to assess the cost



thereof, in whole or in part, as the said Council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such Streets, Public Places or Squares, in proportion to the frontage of the said real estate respectively ; and in the latter case it shall be the duty of the City Surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said Council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid ; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court.

28. Every person without a domicile or place of business within the limits of the said City, shall be deemed to be absent, within the meaning of the present Act. Who shall be deemed absent.

29. Any Bailiff of the Superior Court for the District of Montreal, may serve and post up the notifications required by the present Act, and make a return thereof under his oath of office. Bailiffs authorized to serve notices, &c.

#### WIDENING OF NOTRE DAME STREET.

30. Whereas it has been found expedient and in the interest of the proprietors in Notre Dame Street, and also of the citizens of the City of Montreal generally, to complete the widening and enlarging of the said street, which may be considered as the leading thoroughfare of the said City, the said Corporation is hereby authorized to carry out the said improvement in the manner hereinafter prescribed : Recital.

1. Notre Dame Street, in the said City, shall be widened in its whole extent, from Dalhousie Square to McGill Street, to a uniform width of forty-four feet, French measure ; and the necessary ground or land for that purpose shall be taken on the north-west side of the said street, with the exception of a small portion at the extreme east end thereof, which requires to be widened on both sides ; Notre Dame street to be widened in its whole extent.

To be divided  
into sections.

2. That said Notre Dame Street, for the purposes of the said improvement, shall be divided into four sections, as follows :

*First Section:* That portion of Notre Dame street lying between St. Lambert and St. François Xavier Streets, between St. Peter and Dollard (late Guillaume) Streets, and between Gosford and Bonsecours Streets ;

*Second Section:* That portion of Notre Dame Street lying between St. Peter and St. François Xavier Streets.

*Third Section:* That portion of Notre Dame Street lying between St. Lambert and St. Gabriel Streets, and between Dollard (late Guillaume) and McGill streets ;

*Fourth Section:* That portion of Notre Dame Street lying between St. Gabriel and Gosford Streets, and from Bonsecours Street to Dalhousie Square ;

One year al-  
lowed for each  
section.

3. One year shall be allowed to complete each section, the first year to begin from the date of the passing of this Act ;

Cost of im-  
provement, by  
whom borne.

4. One half of the cost of the said improvement shall be borne by the said Corporation out of the proceeds of the loan hereinafter provided for, or out of the general funds of the said City, and the other half by the proprietors in the said Notre Dame Street, by means of a special assessment to be levied as hereinafter provided, upon the real estate fronting on Notre Dame Street, the whole of which shall be held to have been equally benefited by the said improvement, and shall be equally rated or assessed to provide one-half the expense of the said improvement, as aforesaid ; and the assessed value of all real estate fronting on the said street for the present year (one thousand eight hundred and sixty-four), shall be held to be the assessed value thereof for all the purposes of the said improvement ;

Commission-  
ers to take up  
each section of  
Notre Dame  
street *seriatim*, &c.

5. It shall be the duty of the said Commissioners, and they are hereby authorized, to take up each section of Notre Dame Street as aforesaid *seriatim*, but without intermission, and to complete their labours for the four sections as early as possible before the expiration of the present year one thousand eight hundred and sixty-four ;

6. In the appraisalment or valuation to be made by the said Commissioners, of the pieces or parcels of land or real estate required to widen Notre Dame Street as aforesaid, no claim for damages arising from leases made after the passing of this Act shall be considered as valid or binding upon the said Corporation.

As to leases made after the passing of this Act.

31. After the confirmation and homologation of the report of the said Commissioners for each section of Notre Dame Street as aforesaid, the Council of the said City may levy, by By-law, a special rate or assessment on all real estate fronting on the said street, according to the assessed value thereof as aforesaid, sufficient to cover one-half the expenditure incurred in completing the widening of the section of Notre Dame Street referred to and embraced in the said report, which said special rate or assessment shall be payable at such period or periods as the said Council may fix and determine.

City Council may levy special assessment on real estate in Notre Dame street;

32. It shall be lawful for the said Council, by any such By-law, to extend the time or period fixed for the payment of the said rate or assessment, and to charge interest not exceeding seven per centum on the amount of all such rates or assessments for which a delay may be granted, as aforesaid.

And grant delay for payment of said assessment.

33. Any proprietor in the second, third or fourth sections of Notre Dame Street aforesaid, whose property, or a portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said Commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report by an acceptance of the terms or price set upon his property in the said report.

Proprietors in 2nd, 3rd or 4th sections may anticipate period fixed for the improvement.

34. For the purpose of enabling the said Corporation to meet its share of the expenditure to be incurred in widening Notre Dame Street as aforesaid, it shall be lawful for the said Corporation to effect a special loan, not to exceed One Hundred and Fifty Thousand Dollars, to be designated "The Notre Dame Street Loan."

Loan of \$150,000 for the Notre Dame street improvement.

## MISCELLANEOUS PROVISIONS.

Loan of \$150,-  
000 to com-  
plete the  
drainage of  
the city.

35. For the purpose of extending and completing the Drainage of the said City, it shall be lawful for the said Corporation to borrow, over and above the amount of the loan which the said Corporation is authorized to make in and by the provisions of the first section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter forty-four, such sum or sums of money, not exceeding One Hundred and Fifty Thousand Dollars, as the said Corporation may find it necessary or expedient to borrow for the extension and completion of the Drainage of the City.

Loan of \$60,-  
000 for a new  
Hay Market,

36. For the purpose of establishing a new Hay Market in the said City, it shall be lawful for the said Corporation to effect a special loan of Sixty Thousand Dollars, to be designated "The New Hay Market Loan."

Corporation  
may issue de-  
bentures for  
the above  
loans, their  
form, &c.

37. It shall be lawful for the Corporation of the said City to issue under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds to the amount of the respective sums which the said Corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest, payable semi-annually, on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures shall be headed with the words or title "*The Notre Dame Street Loan*," "*The Drainage Loan*," or "*The New Hay Market Loan*," as the case may be, to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession

Interest, cou-  
pons, &c.

of any such coupons by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured on the general funds of the said Corporation.

38. The amount which the said Corporation is empowered to borrow by the next preceding sections, may be borrowed either in this Province or elsewhere; and the principal sum, and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money or the currency of this Province, or in that of the place where the same shall be payable; and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Amount of  
loans may be  
borrowed in  
this Province  
or elsewhere.

39. Whereas the mode hitherto adopted of enforcing payment of assessments, taxes, duties, water-rates and other City dues, by defaulters in the said City, has been found to be cumbersome and dilatory and attended with great loss to the revenue of the said City; and whereas it is expedient to adopt a more summary and effectual mode of recovering the same: therefore, upon the return by the City Assessors, of the assessment roll for any of the Wards of the said City, and the revision and completion of the same, or upon the return of any supplementary roll of assessment, the Treasurer of the said City shall give public notice (according to Form B, in the schedule hereunto annexed) in at least two newspapers published in the English language, and two newspapers published in the French language, that the said assessment roll or supplementary return is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or duty, are required to pay the amount thereof to him or his assistants, at his office in the City Hall, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

Recital.

Notice to  
Rate-payers.

Form B.

Special notice  
to rate-payers  
in arrears.

Form C.

The proceed-  
ing section  
not to apply  
to non-resi-  
dents.

If parties ne-  
glect to pay  
for the space  
of fifteen days,  
assessments to  
be levied by  
seizure and  
sale.

Form D.

Subrogation  
of parties hav-  
ing hypothec.

40. If at the expiration of the said twenty days any assessment, tax or duty remain unpaid, the said Treasurer shall leave, or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or duty, or with him personally, a statement in detail of the various sums and of the total amount of assessments, taxes or duties exclusive of water rates, and shall at the same time, in and by a notice annexed to such statement (according to Form C, in the schedule hereunto annexed), demand payment of the assessment, taxes or duties therein mentioned, together with the costs of the service of such notice, according to such tariff as the Council of the said City may establish.

41. The provisions of the next preceding section shall not apply to persons residing beyond the limits of the said City; the said persons shall be bound to pay their assessments, taxes or duties, within thirty days after the public notice mentioned in the thirty-ninth section of this Act, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business.

42. If any person in the said City neglects to pay the amount of assessments, taxes, or duties imposed upon him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said City shall levy the same, with costs, by warrant to be issued by the Recorder's Court of the said City (according to Form D, in the schedule hereunto annexed), authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of any goods and chattels in his possession, wherever the same can be found within the said City; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or duties and costs, out of the proceeds thereof; provided always that any party having any hypothecque, lien, or privilege upon property real or personal out of the proceeds of which the said Corporation shall be paid any assessments due which shall have accrued in respect of other property, such party

shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said Corporation at the time of such payment in respect of such other property as to such assessments.

43. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Treasurer of the said City shall give public notice (Form E) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place at the entrance of the City Hall of the said City, at least forty-eight hours previous to such sale. Notice of sale.  
Form E.

44. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or duties levied for and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus is previously made by any other person by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments, taxes or duties the seizure was made, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the said Treasurer until the respective rights of the parties be determined by the Recorder's Court. Surplus of product of sale to go to the proprietor.  
If the right to surplus is claimed by divers parties.

45. Within a week from and after the time appointed by any By-law of the said Council for the payment of the water rates imposed for any supply of water given or furnished from the Montreal Water Works in the said City, the Treasurer of the said City shall give public notice (according to Form F, in the schedule hereunto annexed) in at least two newspapers published in the French language, and two newspapers published in the English language, that the said water rates are due, and that all persons liable for the payment of any of the said rates are required to pay the amount thereof to him, at his office, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers. Notice to water tenants.  
Form F.

Special notice  
to water  
tenants in  
arrear.

Form C.

If water ten-  
ants neglect  
to pay, rates  
to be levied  
by seizure  
and sale.

City Clerk to  
cease being  
Clerk of Re-  
corder's Court.

Clerk to be  
appointed by  
City Council.  
His powers,  
&c.

Certain judg-  
ments of  
Recorder's  
Court to be  
summarily  
registered.

46. If at the expiration of the said twenty days any of the said water rates remain unpaid, the said Treasurer shall leave, or cause to be left at the usual place of residence, domicile, office, or place of business of such person in arrear, or with him personally, a statement (according to Form C, in the schedule hereunto annexed) in detail of the various sums and the total amount of water rates due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the water rates therein mentioned together with the costs of the service of such notice, according to such tariff as the said Council may establish.

47. If any person in the said City neglects to pay the amount of water rates due by him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said City shall levy the same with costs in the same manner as unpaid assessments, taxes or duties are levied under the forty-second, forty-third and forty-fourth sections of this Act.

48. From and after the passing of this Act the City Clerk of the City of Montreal shall cease to Act *ex-officio* as Clerk of the Recorder's Court of the said City ; but a fit and proper person shall be named and appointed during pleasure, by the Council of the said City, to act as Clerk of the said Court, with the same powers as those conferred upon the City Clerk, in relation to the said Court, by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and the Act sixteenth Victoria, chapter twenty-seven.

49. It shall not be necessary hereafter to register at full length the proceedings and judgments of the Recorder's Court of the City of Montreal, in so far as regards the prosecution and conviction of all persons charged with drunkenness or with any of the offences mentioned in the thirty-second section of the Act twenty-third Victoria, chapter seventy-two, intituled: *An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal* ; but it shall suffice in such cases that a roll of all convictions before the said Court, giving the name of the Defendant, the date of conviction and



the nature of the offence, be kept, without further registration; any law or usage to the contrary notwithstanding.

50. The Council of the said City shall have power, in any By-law or Ordinance passed for any purpose set forth in the Act incorporating the said City, or any Acts amending the same, for enforcing the provisions thereof, to impose a Fine not exceeding Twenty Dollars and costs of prosecution, with Imprisonment in the Common Gaol or in the House of Correction, at hard labour, for a period not exceeding One Calendar Month.

Fines and penalties for violation of city by-laws.

51. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any Statute now or hereafter to be in force shall belong to and form part of the general fund of the said City, any law to the contrary notwithstanding.

Fines in the Recorder's Court to belong to Corporation.

52. If any person shall commit an assault and battery on any Police Officer or Constable appointed under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, in the execution of his duty, or shall aid or incite any person so to do, every such offender, upon being convicted thereof before the Recorder's Court of the said City, shall, for every such offence, forfeit and pay a Fine not exceeding Twenty Dollars and costs of prosecution; and shall, moreover be imprisoned in the Common Gaol or the House of Correction at hard labour, for a period not exceeding Two Calendar Months; Provided always, the said Court shall have the option to adjudge the said offender to the said fine and imprisonment with costs as aforesaid, or the said fine and costs; and in default of immediate payment of the said fine and costs, that the said offender be imprisoned at hard labour for a period not exceeding Two Calendar Months, unless the said fine and costs be sooner paid.

Fine and penalty for assaulting policemen in the execution of their duty.

Proviso: as to punishment of offender.

53. The Recorder's Court of the said City of Montreal shall have concurrent jurisdiction with the Circuit Court, or with any Judge of the Superior Court in the District of Montreal, as to matters between Lessors and Lessees, and

Jurisdiction of the Recorder's Court extended to cases between lessors and lessees.

may act in virtue of the Act of the Consolidated Statutes for Lower Canada, chapter forty, intituled: *An Act concerning Lessors and Lessees*, and of the Legislative provisions amending the same, in the same manner and with the same formalities, as the said Circuit Court, or any of the Judges of the said Superior Court, is directed to proceed in and by the above last cited Act, as regards the ejection of the Lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent or any part of his rent, or for using the premises leased, contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired; and the said Recorder's Court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which cost however shall not include any Attorney's fees; Provided always that the competence of the said Recorder's Court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said City.

Proviso: power limited to property of a certain value.

And also recovery of servant's wages, &c.

54. The said Recorder's Court shall also have summary jurisdiction over all demands not exceeding twenty-five dollars for the recovery of wages and salaries of servants, journeymen, or labourers employed by the day.

Recital.

55. Whereas by an Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-two, the property, estate, chattels and effects bequeathed by the late John Conrad Marsteller, for the purpose of establishing in the said City of Montreal a House of Industry, were transferred from the hands of the late Wardens of the House of Industry, to and made to vest in the said Corporation of the City of Montreal; and whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property, will be more effectually accomplished by transferring the said

property to a duly established and permanent institution or institutions in the said City, having for object to relieve and assist the poor: therefore, it shall be lawful for the Corporation of the said City, at any time after the passing of this Act, to transfer all and every the estates, property, moneys, chattels and effects vested in and now in the hands and possession of the said Corporation, as aforesaid, to any duly established and permanent institution or institutions, in the said City of Montreal, having for object to relieve and assist the poor, and provided with a House of Refuge, with power to hold, use, appropriate, sell and dispose of the said estates, property, moneys, chattels and effects to the best advantage possible, for the exclusive purposes of a House of Night Refuge, notwithstanding anything contained in the said last cited Act; provided, however, and it is hereby expressly enacted, that in any institution or institutions to which a transfer may be made of the said estates, property, moneys, chattels and effects, or any part thereof, under the provisions of this section, admission shall be given to the poor, indiscriminately and without any distinction of creed or nationality.

City Council  
authorized to  
transfer es-  
tate of late J.  
C. Marsteller,  
to certain  
institutions.

Proviso: con-  
dition of  
transfer.

56. Whereas the Corporation of the said City is authorized in and by the Act passed in the twenty-seventh year of Her Majesty's reign, chapter fifty-four, to aid the Grand Trunk Railway Company of Canada in the establishment of a City Terminus at or near Chaboillez Square, in the said City of Montreal, by means of a grant of money to the amount of fifty thousand dollars; and whereas it is deemed more expedient that the said grant should be applied towards purchasing the necessary ground to be acquired for establishing the said railway terminus: therefore it shall be lawful for the Corporation of the said City to purchase and acquire, in the same manner as the said Corporation is authorized to acquire or expropriate property or real estate for the opening or widening of streets generally, in and by the present Act, all pieces or parcels of land or real estate required to establish, enlarge, or improve the said terminus, and to connect the rails of the said Company with the harbour of the said City from any point not more than four hundred feet beyond the south-western limits of the said

Recital.

City Council  
authorized to  
acquire prop-  
erty to the  
extent of  
\$50,000 for  
the Grand  
Trunk Rail-  
way City  
Terminus.

Proviso.

City ; provided however, the price or compensation to be paid by the Corporation of the said City for the said pieces or parcels of land or real estate, to be acquired as aforesaid, shall not exceed the said sum of fifty thousand dollars and that the excess of cost over or beyond that amount, if any, shall be borne and paid by the said Company.

Council to have power to license, regulate or prohibit musical saloons, &c.

57. In addition to the subjects for which the Corporation of the said City is authorized to pass By-laws, in and by the tenth section of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, shall be included musical saloons or establishments wherein intoxicating liquors are sold, and wherein instrumental music or singing, or both, are used as a means of attracting customers ; and the Council of the said City shall have power and authority, by any such By-law to license, regulate or prohibit any such musical saloons or establishments, under such conditions and restrictions as the said Council may deem expedient to impose in the interest of the public.

To make rules and regulations for the erection of buildings.

58. The Council of the said City shall have power, from time to time, by a By-law or Ordinance, to make such rules and regulations, as to the erection and construction of houses or buildings of any description whatsoever, as the said Council may deem expedient for the safety of the citizens, or for preventing accidents by fire, or for the embellishment or better appearance of the said City, and also for the regulation of the height of the chimneys of factories so as to render such factories as little injurious as possible to the health of the citizens ; and by any such By-law or Ordinance, the said Council may appoint one or more fit and proper persons whose duty it shall be, and who are hereby authorized, to visit and examine at suitable times and hours, to be established in such By-laws, as well the interior as the exterior of all such houses or buildings in the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed ; and the said Council may also, by any such By-law or Ordinance, impose such fines not exceeding Twenty Dollars, with Imprisonment not exceeding Two

Calendar Months unless such fine be sooner paid, as they may deem expedient for enforcing the same.

59. All the provisions of any law or laws inconsistent with the provisions of this Act shall be and the same are hereby repealed; and the present enactment shall not have the effect of reviving any Act or part of an Act repealed by the said law or laws.

Inconsistent  
enactments  
repealed.

60. Nothing herein contained shall be construed to repeal any By-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal, every such By-law now in force shall have the same force and effect as if this Act had not been passed.

By-Laws hereto-  
fore made  
not affected  
by this Act.

61. This Act shall be a Public Act.

Public Act.

#### FORM A.

"I, \_\_\_\_\_ having been appointed Commissioner  
"under the provisions of the (*cite the Act*) do swear that I  
"will faithfully, impartially, honestly, and diligently execute  
"all the duties of the said office according to the best of my  
"judgment and ability. So help me God."

#### FORM B.

Public notice is hereby given that the Assessment Roll of the City of Montreal, for the \_\_\_\_\_ Ward of the said City, (*or the supplementary roll of Assessment for the Ward of the said City*) is completed and is now deposited in the office of the undersigned, in the City Hall. All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

CITY HALL,  
Montreal, (*date.*)

City Treasurer.

## FORM C.

CORPORATION OF MONTREAL.

*Mr.*

COPY OF ACCOUNT.

Notice Served,      \$

(Date of Notice.)

Costs,

Notice,

CORPORATION OF MONTREAL.

MR.

*To the Mayor, Aldermen and  
Citizens of the City of  
Montreal,*To Assessment, &c , or Water  
Rates, &c.

(Here State Account.)

\$

SIR,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below; in default whereof, execution will issue against your Goods and Chattels.

CITY HALL,

Montreal, (*date*)

Costs,      (Signature)

Notice,

*City Treasurer.*

## FORM D.

Province of Canada, } IN THE RECORDER'S COURT OF THE  
 City and } CITY OF MONTREAL.  
 District of Montreal. }

The Recorder of the City of Montreal :

|               |   |  |  |
|---------------|---|--|--|
| Debt.....\$   |   |  | To any Bailiff of the Recorder's Court of the City of Montreal, in the said City and District of Montreal. |
| Costs .....   |   |  |  |
| Warrant ..... |   |  |  |
|               | * |  |  |

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the Treasurer of the said City of Montreal, to pay into his hands, for and on behalf of the said City, the sum of \_\_\_\_\_ being the amount due by him to the said City, as appears by the collection-roll of the said City for the year 18 \_\_\_\_; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of \_\_\_\_\_; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Treasurer of the said City, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern; and if no such distress can be found, then that you certify the same unto me, to the end

that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk  
of the said Recorder's Court at Mon-  
real aforesaid, this            day of  
in the year of our Lord

Y. X.  
Clerk of the  
Recorder's Court.

**FORM E.**

Public notice is hereby given that on \_\_\_\_\_ next, the  
day of \_\_\_\_\_ instant, (*or next,*) the goods and  
chattels of the parties hereinafter named and designated now  
under seizure for non-payment of assessments (*or other dues,*  
*as the case may be,*) will be sold by public auction, at the  
hours and places hereinafter mentioned, to wit:—

| NAMES. | AMOUNT. | PLACE OF SALE.<br>No. STREET. | HOUR OF SALE. |
|--------|---------|-------------------------------|---------------|
|        |         |                               |               |

(Signature,)

CITY HALL,  
Montreal, (*date.*)

**City Treasurer.**

**FORM F.**

Public notice is hereby given that the Water Rates for the current year are now due; and all persons liable to pay the same, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this date, without further notice.

CITY HALL,  
Montreal, (*date.*)

**City Treasurer.**



## CATALOGUE OF THE CITY GOVERNMENT, FROM ITS INCORPORATION IN 1840.

[NOTE.—From the year 1796, up to the year 1833, the Municipal affairs of the City were administered by Justices of the Peace, sitting in Special Sessions for that purpose. In 1832 the City was incorporated, (1st William IV., chap. 59,) and to that end was divided into eight Wards, viz. : East, West, St. Ann, St. Joseph, St. Antoine, St. Lawrence, St. Louis, and St. Mary; each Ward electing two members. The first meeting of the Corporation was held on the fifth June, 1833, at which Jacques Viger, Esquire, was elected Mayor of the City of Montreal; an office which he continued to hold until the new incorporation, in 1840.]

1840, 1841, 1842. <sup>(1)</sup>

HON. PETER MCGILL, *Mayor*.

|                               |                                 |
|-------------------------------|---------------------------------|
| Jules Quesnel, <sup>(2)</sup> | John Donegani,                  |
| Adam Ferrie,                  | Charles Tait, <sup>(4)</sup>    |
| C. S. Rodier,                 | J. W. Dunscomb, <sup>(5)</sup>  |
| J. G. Mackenzie,              | Thomas Phillips, <sup>(6)</sup> |
| C. S. DeBleury,               | Colin Campbell,                 |
| J. M. Tobin,                  | Stanley Bagg,                   |
| Olivier Berthelet,            | Archibald Hume,                 |
| F. Bruneau,                   | D. Handyside, <sup>(7)</sup>    |
| Hypolite Guy, <sup>(3)</sup>  | William Molson.                 |

J. P. SEXTON, *City Clerk*, appointed 12th Sept., 1840.

<sup>(1)</sup> This Corporation was appointed by the Governor General for a term of office, to expire in December, 1842; their successors being subject to election by the people.

<sup>(2)</sup> Died and was replaced by J. M. Desrivieres, 3rd June, 1842.

<sup>(3)</sup> Resigned and replaced by Joseph Bourret, 30th March, 1842.

<sup>(4)</sup> Declined to act, and was replaced by John Redpath, 12th Sept., 1840.

<sup>(5)</sup> Resigned and replaced by James Ferrier, 1st July, 1841.

<sup>(6)</sup> Died and was replaced by William Lunn, 20th June, 1842.

<sup>(7)</sup> Declined to act, and was replaced by John Mathewson, 12th September, 1840.

1843. <sup>(1)</sup>JOSEPH BOURRET, Esq., *Mayor*.

## ALDERMEN.

|                  |                 |
|------------------|-----------------|
| Joseph Masson,   | C. S. DeBleury, |
| Benjamin Holmes, | John Redpath,   |
| William Molson,  | Joseph Roy.     |

## COUNCILLORS.

|                 |                   |
|-----------------|-------------------|
| James Ferrier,  | Olivier Frchette, |
| Pierre Jodoin,  | Pierre Beaubien,  |
| Peter Dunn,     | P. A. Gagnon,     |
| William Lunn,   | François Trudeau, |
| William Watson, | François Perrin,  |

John Mathewson.

J. P. SEXTON, *City Clerk*.

1844.

JOSEPH BOURRET, Esq., *Mayor*.

## ALDERMEN.

|                  |                |
|------------------|----------------|
| Joseph Masson,   | Joseph Roy,    |
| Benjamin Holmes, | James Ferrier, |
| C. S. DeBleury,  | Peter Dunn.    |

## COUNCILLORS.

|                   |                  |
|-------------------|------------------|
| William Watson,   | Henry Stuart,    |
| John Mathewson,   | William Lunn,    |
| Pierre Beaubien,  | John Tully,      |
| François Trudeau, | Alfred LaRocque, |
| François Perrin,  | Thomas Molson,   |

Pierre Jodoin.

J. P. SEXTON, *City Clerk*.

<sup>(1)</sup> This Corporation was elected under the provisions of the 4th Vic., cap. 36, the City being divided into six Wards, viz.: East, Centre, West, Queen, St. Lawrence, and St. Mary, with three members for each Ward.

1845.

JAMES FERRIER, Esq., *Mayor*.

## ALDERMEN.

|                  |                   |
|------------------|-------------------|
| Benjamin Holmes, | François Trudeau, |
| C. S. DeBleury,  | Joseph Bourret,   |
| William Lunn,    | Thomas Molson.    |

## COUNCILLORS.

|                  |                  |
|------------------|------------------|
| William Watson,  | William Footner, |
| Pierre Jodoin,   | Benjamin Lyman,  |
| Henry Stuart,    | H. L. Routh,     |
| John Tully,      | John Glennon,    |
| Alfred LaRocque, | Daniel Gorrie,   |

François Perrin.

J. P. SEXTON, *City Clerk*.1846.<sup>(1)</sup>JAMES FERRIER, Esq., *Mayor*.<sup>(2)</sup>

## ALDERMEN.

|                |                 |
|----------------|-----------------|
| John E. Mills, | Henry Stuart,   |
| William Lunn,  | Benjamin Lyman, |
| Pierre Jodoin, | Joseph Bourret. |

## COUNCILLORS.

|                  |               |
|------------------|---------------|
| François Perrin, | John Glennon, |
| William Footner, | J. D. Gibb,   |
| Pierre Beaubien, | John Tully,   |

<sup>(1)</sup> By the Act 8 Vic., cap. 59, the City was divided into nine Wards, as at present, giving two members to each of the Suburban Wards, and three to each of the City Wards, (East, Centre and West).

<sup>(2)</sup> On the 18th May, 1846, Alderman John E. Mills, who had been put in nomination for the office of Mayor along with Mr. Ferrier, on the preceding 9th March, and who claimed to have had a majority of votes on that occasion, was declared by the Court to have been duly elected Mayor of the City, and he accordingly assumed the duties of that office.

---

|                   |                            |
|-------------------|----------------------------|
| John Ward,        | Pierre Dufresne,           |
| Daniel Gorrie,    | Narcisse Valois,           |
| William Connolly, | Canfield Dorwin,           |
| Jasper G. Sims,   | John Kelly. <sup>(1)</sup> |

J. P. SEXTON, *City Clerk.*

---

1847.

JOHN E. MILLS, Esq., *Mayor.*<sup>(2)</sup>

ALDERMEN.

|                  |                  |
|------------------|------------------|
| Joseph Bourret,  | Pierre Beaubien, |
| James Ferrier,   | John Glennon,    |
| François Perrin, | John Tully.      |

COUNCILLORS.

|                  |                           |
|------------------|---------------------------|
| William Footner, | André Ouimet,             |
| Benjamin Lyman,  | B. C. A. Guky,            |
| J. D. Gibb,      | Alfred LaRocque,          |
| Daniel Gorrie,   | John Ward, <sup>(3)</sup> |
| Jasper G. Sims,  | J. U. Beaudry,            |
| Narcisse Valois, | Patrick Lynch,            |
| Canfield Dorwin, | C. S. DeBleury.           |

J. P. SEXTON, *City Clerk.*

---

1848.

JOSEPH BOURRET, Esq., *Mayor.*

ALDERMEN.

|                            |                |
|----------------------------|----------------|
| John Glennon,              | B. C. A. Guky, |
| J. D. Gibb, <sup>(4)</sup> | John Tully,    |
| André Ouimet,              | E. R. Fabre.   |

---

<sup>(1)</sup> Resigned and was replaced by Alfred LaRocque.

<sup>(2)</sup> Died in November, and was replaced by Joseph Bourret, as Mayor, and by C. S. Rodier, as Councillor in the St. Antoine Ward.

<sup>(3)</sup> Left the City, and was replaced by J. B. Homier, in Dec., 1847.

<sup>(4)</sup> Resigned, and was replaced by Archibald Macfarlane.

## COUNCILLORS.

|                  |                                 |
|------------------|---------------------------------|
| Narcisse Valois, | Benjamin Lyman,                 |
| Alfred LaRocque, | John Bell,                      |
| J. U. Beaudry,   | C. S. Rodier,                   |
| Patrick Lynch,   | William Workman, <sup>(1)</sup> |
| J. B. Homier,    | Joseph Grenier,                 |
| Charles Wilson,  | Joseph McNider,                 |
| William Snaith,  | Jasper G. Sims.                 |

J. P. SEXTON, *City Clerk.*

1849.

E. R. FABRE, Esq., *Mayor.*

## ALDERMEN.

|                 |                  |
|-----------------|------------------|
| Joseph Bourret, | Benjamin Lyman,  |
| André Ouimet,   | Alfred LaRocque, |
| B. C. A. Guky,  | Jasper G. Sims.  |

## COUNCILLORS.

|                 |                    |
|-----------------|--------------------|
| C. S. Rodier,   | John Tully,        |
| Charles Wilson, | J. U. Beaudry,     |
| William Snaith, | P. Lynch,          |
| John Bell,      | J. B. Homier,      |
| Joseph Grenier, | Archd. Macfarlane, |
| Joseph McNider, | Amable Prevost,    |
| John Whitlaw,   | Saml. Benjamin.    |

J. P. SEXTON, *City Clerk.*

1850.

E. R. FABRE, Esq., *Mayor.*

## ALDERMEN.

|                  |                    |
|------------------|--------------------|
| Benjamin Lyman,  | Archd. Macfarlane, |
| Alfred LaRocque, | Joseph Grenier,    |
| Charles Wilson,  | J. U. Beaudry.     |

<sup>(1)</sup> Declined to act, and was replaced by John Whitlaw.

## COUNCILLORS.

|                                |                  |
|--------------------------------|------------------|
| Joseph Bourret, <sup>(1)</sup> | Frs. Leclaire,   |
| Patrick Lynch,                 | Archd. Hall,     |
| J. B. Homier,                  | Benjamin Holmes, |
| Amable Prevost,                | Thomas McGrath,  |
| John Tully, <sup>(2)</sup>     | Edwin Atwater,   |
| S. Benjamin,                   | Ed. Lamarche,    |
| John Whitlaw,                  | D. McDonald.     |

J. P. SEXTON, *City Clerk.*

1851.

CHARLES WILSON, Esq., *Mayor.*

## ALDERMEN.

|                    |                |
|--------------------|----------------|
| E. R. Fabre,       | J. B. Homier,  |
| Archd. Macfarlane, | Patrick Lynch, |
| Joseph Grenier,    | S. Benjamin.   |

## COUNCILLORS.

|                             |                    |
|-----------------------------|--------------------|
| Amable Prevost,             | O. Frechette,      |
| John Whitlaw,               | John Leeming,      |
| Frs. Leclaire,              | H. H. Whitney,     |
| Archd. Hall, <sup>(3)</sup> | Alex. McCambridge, |
| Edwin Atwater,              | Patrick Larkin,    |
| Ed. Lamarche,               | J. R. Bronsdon,    |
| D. McDonald,                | A. Montreuil.      |

J. P. SEXTON, *City Clerk.*

<sup>(1)</sup> Resigned and replaced by Olivier Frechette, May, 1850.

<sup>(2)</sup> Resigned and replaced by L. H. Holton, May, 1850.

<sup>(3)</sup> Resigned and was replaced by Ed. Thompson, Nov., 1851.

1852. <sup>(1)</sup>CHARLES WILSON, Esq., *Mayor*.

## ALDERMEN.

|                    |                |
|--------------------|----------------|
| Joseph Grenier,    | John Leeming,  |
| François Leclaire, | H. H. Whitney, |
| John Whitlaw,      | J. B. Homier,  |
| Edwin Atwater.     | Patrick Lynch, |
|                    | O. Frechette.  |

## COUNCILLORS.

|                    |                  |
|--------------------|------------------|
| Alex. McCambridge, | N. B. Corse,     |
| J. R. Bronsdon,    | Narcisse Valois, |
| A. Montreuil,      | Rollo Campbell,  |
| Ed. Thompson,      | Louis Marchand,  |
| Patrick Larkin,    | Petrus Labelle,  |
| Joseph Tiffin,     | Lambert Bleau,   |
| R. Trudeau,        | Austin Adams,    |
| M. Cuvillier,      | H. Goyette,      |
| Henry Starnes,     | Thomas Mussen.   |

J. P. SEXTON, *City Clerk*.

1853.

HON. CHARLES WILSON, *Mayor*.

## ALDERMEN.

|                 |                |
|-----------------|----------------|
| Joseph Grenier, | H. H. Whitney, |
| John Whitlaw,   | R. Trudeau,    |
| Edwin Atwater,  | N. Valois,     |
| John Leeming,   | P. Larkin,     |
|                 | Frs. Leclaire. |

<sup>(1)</sup> By the Act 14 and 15 Vic., cap. 128, passed 31st August, 1851, the Mayor's election was taken from the Council and confided to the Electors generally, the number of the Aldermen was increased to nine, and the Suburban Wards were allowed three Members each, the same as the Town Wards.

## COUNCILLORS.

|                 |                    |
|-----------------|--------------------|
| Joseph Tiffin,  | H. Goyette,        |
| M. Cuvillier,   | Thos. Mussen,      |
| Henry Starnes,  | J. B. Homier,      |
| N. B. Corse,    | Alex. McCambridge, |
| Rollo Campbell, | J. R. Bronsdon,    |
| L. Marchand,    | A. Montreuil,      |
| P. Labelle,     | Ed. Thompson,      |
| Lambert Bleau,  | C. J. Coursol,     |
| Austin Adams,   | Joseph Papin.      |

J. P. SEXTON, *City Clerk.*

1854.

WOLFRED NELSON, Esq., *Mayor.*

## ALDERMEN.

|                 |                 |
|-----------------|-----------------|
| J. R. Bronsdon, | Edwin Atwater,  |
| R. Trudeau,     | Joseph Grenier, |
| Patrick Larkin, | John Whitlaw,   |
| H. H. Whitney,  | J. B. Homier,   |

Frs. Leclaire.

## COUNCILLORS.

|                              |                 |
|------------------------------|-----------------|
| A. Hibbard,                  | C. J. Coursol,  |
| Louis Ricard,                | Ed. Thompson,   |
| Thomas McGrath,              | A. Montreuil,   |
| Henry Lyman,                 | A. McCambridge, |
| J. J. Day,                   | Austin Adams,   |
| Lambert Bleau,               | P. Labelle,     |
| Rollo Campbell,              | Henry Starnes,  |
| Narcisse Valois,             | M. Cuvillier,   |
| Joseph Papin, <sup>(1)</sup> | Jos. Tiffin.    |

J. P. SEXTON, *City Clerk.*

<sup>(1)</sup> Mr. P. Lynch having contested Mr. Papin's election, on the ground of his not being a "resident householder," as required by law, judgment was, on the 31st October, 1854, rendered by the Superior Court, sustaining Mr. Lynch's application, and declaring him to have been duly elected Councillor for the St. Mary's Ward.



1855.

WOLFRED NELSON, Esq., *Mayor*.

## ALDERMEN.

|                 |                  |
|-----------------|------------------|
| Frs. Leclaire,  | Henry Starnes,   |
| H. H. Whitney,  | A. McCambridge,  |
| R. Trudeau,     | Edwin Atwater,   |
| J. B. Homier,   | Narcisse Valois, |
| J. R. Bronsdon. |                  |

## COUNCILLORS.

|                 |                 |
|-----------------|-----------------|
| P. Lynch,       | Louis Ricard,   |
| A. Montreuil,   | Ashley Hibbard, |
| Ed. Thompson,   | Austin Adams,   |
| C. J. Coursol,  | Ed. Masson,     |
| Rollo Campbell, | George Browne,  |
| Lambert Bleau,  | M. P. Ryan,     |
| J. J. Day,      | Damase Masson,  |
| Henry Lyman,    | Amable Jodoin,  |
| Thomas McGrath, | C. E. Belle.    |

J. P. SEXTON, *City Clerk*.

1856.

HENRY STARNES, Esq., *Mayor*.

## ALDERMEN.

|                  |                 |
|------------------|-----------------|
| R. Trudeau,      | A. McCambridge, |
| Edwin Atwater,   | Rollo Campbell, |
| Narcisse Valois, | J. J. Day,      |
| Frs. Leclaire,   | H. H. Whitney.  |
| J. B. Homier.    |                 |

## COUNCILLORS.

|                 |                                |
|-----------------|--------------------------------|
| Lambert Bleau,  | Amable Jodoin,                 |
| Henry Lyman,    | C. E. Belle,                   |
| Thomas McGrath, | Louis Marchand, <sup>(1)</sup> |
| Louis Ricard,   | W. A. Townsend,                |
| A. Hibbard,     | Henry Bulmer,                  |
| A. Adams,       | F. Clarke,                     |
| George Browne,  | Joseph Simard,                 |
| M. P. Ryan,     | J. P. Rottot,                  |
| D. Masson,      | N. B. Corse, <sup>(2)</sup>    |

J. P. SEXTON, *City Clerk.*

1857.

HENRY STARNES, Esq., *Mayor.*

## ALDERMEN.

|                 |                |
|-----------------|----------------|
| Edwin Atwater,  | J. J. Day,     |
| Frs. Leclaire,  | L. Marchand,   |
| J. B. Homier,   | George Browne, |
| A. McCambridge, | D. Masson,     |

H. H. Whitney.

## COUNCILLORS.

|                                |                  |
|--------------------------------|------------------|
| Austin Adams,                  | N. B. Corse,     |
| M. P. Ryan,                    | N. Valois,       |
| Amable Jodoin,                 | Jacques Grenier, |
| C. E. Belle,                   | Fred. Penn,      |
| W. A. Townsend, <sup>(3)</sup> | William Rodden,  |
| Henry Bulmer,                  | J. R. Bronsdon,  |
| F. Clarke,                     | André Auclair,   |
| Jos. Simard,                   | J. H. Terroux,   |
| J. P. Rottot,                  | Frs. Cusson.     |

J. P. SEXTON, *City Clerk.*

<sup>(1)</sup> Elected in place of Ed. Masson resigned.

<sup>(2)</sup> Replaced Mr. Starnes as Councillor in the West Ward.

<sup>(3)</sup> Resigned, and was replaced by Daniel Gorrie, Sept., 1857.

1858.

C. S. RODIER, Esq., *Mayor*.

## ALDERMEN.

|                 |               |
|-----------------|---------------|
| Frs. Leclaire,  | Henry Bulmer, |
| A. McCambridge, | Frs. Clarke,  |
| L. Marchand,    | J. B. Homier, |
| H. H. Whitney,  | N. B. Corse,  |
| N. Valois.      |               |

## COUNCILLORS.

|                           |                 |
|---------------------------|-----------------|
| Jos. Simard,              | Frs. Cusson,    |
| J. J. Day, <sup>(1)</sup> | Daniel Gorrie,  |
| J. P. Rottot,             | Amable Jodoin,  |
| Jacques Grenier,          | Aldice Bernard, |
| Fred. Penn,               | F. F. Mullins,  |
| William Rodden,           | J. L. Leprohon, |
| J. R. Bronsdon,           | A. N. Rennie,   |
| André Auclair,            | John Smith,     |
| J. H. Terroux,            | J. B. Goyette.  |

J. P. SEXTON, *City Clerk*.

1859.

C. S. RODIER, Esq., *Mayor*.

## ALDERMEN.

|                    |                  |
|--------------------|------------------|
| Louis Marchand,    | Edward Thompson, |
| François Leclaire. | N. B. Corse,     |
| A. Jodoin,         | Henry Bulmer,    |
| N. Valois,         | D. Gorrie,       |
| A. McCambridge.    |                  |

<sup>(1)</sup> Resigned, and was replaced by Ed. Thompson, April, 1858.

## COUNCILLORS.

|                  |                   |
|------------------|-------------------|
| Jacques Grenier, | Frs. Cusson,      |
| Frederick Penn,  | A. N. Rennie,     |
| William Rodden,  | John Smith,       |
| J. R. Bronsdon,  | J. B. Goyette,    |
| André Auclair,   | Henry Lyman,      |
| J. H. Terroux,   | W. Bristow,       |
| A. Bernard,      | R. Bellemare,     |
| F. F. Mullins,   | François Contant, |
| J. L. Leprohon,  | Joseph Duhamel.   |

CHS. GLACKMEYER, *City Clerk*.*(Appointed 15th April, 1859.)*

1860.

C. S. RODIER, Esq., *Mayor*.

## ALDERMEN.

|                 |                  |
|-----------------|------------------|
| L. Marchand,    | Henry Bulmer,    |
| N. B. Corse,    | A. Jodoin,       |
| F. Leclaire,    | D. Gorrie,       |
| A. McCambridge, | Edward Thompson, |
| J. L. Leprohon. |                  |

## COUNCILLORS.

|                            |                            |
|----------------------------|----------------------------|
| A. Bernard,                | Jacques Grenier,           |
| F. F. Mullins,             | John Smith, <sup>(2)</sup> |
| A. N. Rennie,              | Frederick Penn,            |
| J. B. Goyette,             | William Rodden,            |
| Henry Lyman,               | François Cusson,           |
| R. Bellemare,              | Thomas McCreedy,           |
| F. Contant,                | G. L. Rolland,             |
| Joseph Duhamel,            | J. B. Homier,              |
| W. Bristow, <sup>(1)</sup> | J. B. Brousseau.           |

CHS. GLACKMEYER, *City Clerk*.

<sup>(1)</sup> Was declared disqualified by judgment of the Court, and was replaced by Charles Tuggey, March, 1860.

<sup>(2)</sup> Resigned, and was replaced by J. L. Beaudry, June, 1860.

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1861.C. S. RODIER, Esq., *Mayor*.

## ALDERMEN.

|                 |                  |
|-----------------|------------------|
| F. Leclaire,    | Edward Thompson, |
| D. Gorrie,      | Henry Lyman,     |
| R. Bellemare,   | Henry Bulmer,    |
| A. McCambridge, | Jacques Grenier, |
| J. L. Beaudry.  |                  |

## COUNCILLORS.

|                  |                  |
|------------------|------------------|
| F. Contant,      | Charles Tuggey,  |
| Joseph Duhamel,  | J. B. Goyette,   |
| Frederick Penn,  | J. B. Rolland,   |
| William Rodden,  | G. B. Muir,      |
| François Cusson, | A. A. Stevenson, |
| Thomas McCready, | Thomas McGrath,  |
| G. L. Rolland,   | D. McNevin,      |
| J. B. Homier,    | George Bowie,    |
| J. B. Brousseau, | Ferdinand David. |

CHS. GLACKMEYER, *City Clerk*.

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1862.J. L. BEAUDRY, Esq., *Mayor*.

## ALDERMEN.

|                  |                 |
|------------------|-----------------|
| Edward Thompson, | D. Gorrie,      |
| Jacques Grenier, | R. Bellemare,   |
| F. Leclaire,     | Frederick Penn, |
| Henry Bulmer,    | William Rodden, |
| J. B. Homier.    |                 |

## COUNCILLORS.

|                  |                            |
|------------------|----------------------------|
| François Cusson, | Daniel McNevin,            |
| Thomas McCready, | George Bowie,              |
| G. L. Rolland,   | Ferdinand David,           |
| J. B. Brousseau, | Henry Lyman,               |
| J. B. Goyette,   | P. Donovan,                |
| J. B. Rolland,   | J. R. Bronsdon,            |
| G. B. Muir,      | A. Martin,                 |
| A. A. Stevenson, | Joseph Poupart,            |
| Thomas McGrath,  | F. Contant. <sup>(1)</sup> |

CHS. GLACKMEYER, *City Clerk.*

1863.

J. L. BEAUDRY, Esq., *Mayor.*

## ALDERMEN.

|               |                  |
|---------------|------------------|
| F. Leclaire,  | Jacques Grenier, |
| H. Bulmer,    | Fred. Penn,      |
| D. Gorrie,    | W. Rodden,       |
| R. Bellemare, | H. Lyman,        |
|               | F. Contant.      |

## COUNCILLORS.

|                  |                    |
|------------------|--------------------|
| J. B. Goyette,   | J. R. Bronsdon,    |
| J. B. Rolland,   | A. Martin,         |
| G. B. Muir,      | Jos. Poupart,      |
| A. A. Stevenson, | Thos. McCready,    |
| Thos. McGrath,   | A. McGibbon,       |
| Daniel McNevin,  | B. Devlin,         |
| George Bowie,    | A. E. Montmarquet, |
| Ferd. David,     | E. Lamoureux,      |
| P. Donovan,      | L. Labelle,        |

CHS. GLACKMEYER, *City Clerk.*

<sup>(1)</sup> Replaced J. L. Beaudry as Councillor in the St. James' Ward.

1864.

J. L. BEAUDRY, Esq., *Mayor*.

## ALDERMEN.

|               |                  |
|---------------|------------------|
| F. Leclaire,  | Jacques Grenier, |
| H. Bulmer,    | Fred. Penn,      |
| D. Gorrie,    | W. Rodden,       |
| R. Bellemare, | H. Lyman,        |
| F. Contant.   |                  |

## COUNCILLORS.

|                 |                          |
|-----------------|--------------------------|
| P. Donovan,     | J. B. Goyette,           |
| J. R. Bronsdon, | J. B. Rolland,           |
| A. Martin,      | A. A. Stevenson,         |
| Jos. Poupart,   | D. McNevin,              |
| Thos. McCready, | Geo. Bowie,              |
| A. McGibbon,    | Ferd. David,             |
| B. Devlin,      | T. S. Higginson,         |
| E. Lamoureux,   | J. W. McGauvran,         |
| L. Labelle,     | J. Leduc. <sup>(1)</sup> |

CHS. GLACKMEYER, *City Clerk*.

1865.

J. L. BEAUDRY, Esq., *Mayor*.

## ALDERMEN.

|                 |                  |
|-----------------|------------------|
| J. Grenier,     | Ferd. David,     |
| W. Rodden,      | Geo. Bowie,      |
| F. Contant,     | J. B. Rolland,   |
| D. Gorrie,      | A. A. Stevenson, |
| Thos. McCready. |                  |

<sup>(1)</sup> Replaced Councillor Montmarquet, resigned.

## COUNCILLORS.

|                  |                              |
|------------------|------------------------------|
| A. McGibbon,     | P. Donovan,                  |
| B. Devlin,       | Jos. Poupart,                |
| E. Lamoureux,    | C. Archambault,              |
| L. Labelle,      | C. Alexander, <sup>(1)</sup> |
| J. B. Goyette,   | A. W. Ogilvie,               |
| D. McNevin,      | David Brown,                 |
| T. S. Higginson, | J. H. Isaacson,              |
| J. W. McGauvran, | F. Cassidy,                  |
| J. Leduc,        | B. Bastien.                  |

CHS. GLACKMEYER, *City Clerk.*

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## LIST OF ACTING MAYORS,

APPOINTED UNDER THE PROVISIONS OF THE 2<sup>d</sup> SECTION  
OF THE ACT 16 VIC., CAP. 128.,

WITH DATES OF APPOINTMENT.

|                      |       |                        |
|----------------------|-------|------------------------|
| R. Trudeau, Esquire, | ..... | 13th September, 1853.  |
| C. J. Coursol,       | "     | .....13th December, "  |
| J. R. Bronsdon,      | "     | .....13th March, 1854. |
| H. H. Whitney,       | "     | .....12th June, "      |
| Henry Starnes,       | "     | .....11th September, " |
| Rollo Campbell,      | "     | . ....11th December, " |
| Ed. Thompson,        | "     | .....12th March, 1855. |
| Ed. Masson,          | "     | .....11th June, "      |
| J. J. Day,           | "     | .....10th September, " |
| D. Masson,           | "     | .....10th December, "  |
| A. McCambridge,      | "     | .....10th March, 1856. |
| N. Valois,           | "     | .....10th June, "      |

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<sup>(1)</sup> Replaced Alderman Penn, resigned.



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|                       |         |                      |
|-----------------------|---------|----------------------|
| Henry Lyman, Esquire, | .....   | 8th September, 1856. |
| Louis Marchand,       | " ..... | 9th December, "      |
| W. A. Townsend,       | " ..... | 9th March, 1857.     |
| Louis Marchand,       | " ..... | 8th June, "          |
| Henry Bulmer,         | " ..... | 14th September, "    |
| A. Jodoin,            | " ..... | 14th December, "     |
| Daniel Gorrie,        | " ..... | 8th March, 1858.     |
| J. P. Rottot,         | " ..... | 14th June, "         |
| Fred. Penn,           | " ..... | 14th September, "    |
| Jacques Grenier,      | " ..... | 13th December, "     |
| William Rodden,       | " ..... | 14th March, 1859.    |
| Frs. Cusson,          | " ..... | 13th June, "         |
| A. Bernard,           | " ..... | 12th September, "    |
| Frs. Leclaire,        | " ..... | 12th December, "     |
| N. B. Corse,          | " ..... | 12th March, 1860.    |
| J. L. Leprohon,       | " ..... | 11th June, "         |
| Henry Lyman,          | " ..... | 10th September, "    |
| R. Bellemare,         | " ..... | 10th December, "     |
| Chas. Tuggey,         | " ..... | 11th March, 1861.    |
| Jacques Grenier,      | " ..... | 10th June, "         |
| Daniel Gorrie,        | " ..... | 9th September, "     |
| J. L. Beaudry,        | " ..... | 9th December, "      |
| Thos. McCreedy,       | " ..... | 10th March, 1862.    |
| J. Bte. Goyette,      | " ..... | 9th June, "          |
| G. B. Muir,           | " ..... | 8th September, "     |
| Frs. Contant,         | " ..... | 9th December, "      |
| A. A. Stevenson,      | " ..... | 9th March, 1863.     |
| Ferdinand David,      | " ..... | 10th June, "         |
| D. McNevin,           | " ..... | 14th September, "    |
| J. B. Rolland,        | " ..... | 14th December, "     |
| George Bowie,         | " ..... | 14th March, 1864.    |
| Jos. Poupart,         | " ..... | 13th June, "         |
| P. Donovan,           | " ..... | 12th September, "    |
| Ludger Labelle,       | " ..... | 12th December, "     |
| B. Devlin,            | " ..... | 13th March, 1865.    |

## OFFICERS OF THE CORPORATION.

John P. Sexton, City Recorder.  
Chs. Glackmeyer, City Clerk.  
Edouard Demers, City Treasurer.  
P. MacQuisten, City Surveyor.  
Peter L. Macdonell, Assistant City Clerk.  
F. W. Penton, Chief of Police.  
H. I. Ibbotson, Clerk Recorder's Court.  
Louis Lesage, Superintendent Water Works.  
L. W. Tessier, Accountant Water Works.  
A. Bertram, Chief Engineer Fire Department.  
J. B. Dubuc, Inspector of Buildings.  
John Kennedy, Deputy City Surveyor.  
F. A. Lamontagne, and John O'Connor, Assistants Treasurer's Office.  
G. E. Starnes, D. Clarihue,\* and W. A. Mussen, Extra Clerks Treasurer's Office.  
J. V. Duverger, Extra Clerk Recorder's Court.  
G. Perrin, James O'Brien, and Chs. Lapierre, Extra Clerks Water Works.  
F. H. Badger, Chief Telegraph Operator.  
F. X. Gauthier, { Assistant Telegraph Operators.  
James Yuill, }  
James J. Bogue, Extra Clerk Road Department.  
J. Perrigo, Clerk Bonsecours Market.  
F. Benoit, Assistant ditto.  
Henry Kollmyer, Clerk of St. Ann's Market.  
Thos. Day, Assistant ditto.  
Joseph Robillard, Clerk of Cattle Market.  
Wm. Gunn, Assistant ditto.  
A. Schwartz, Clerk of Hay Market.  
D. D. Grenier, Assistant ditto.  
Élie Beaulieu, Clerk of St. Lawrence Market.

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T. Orsali, Clerk of Papineau Market.  
M. M. Vaughan, Clerk of St. Gabriel Market.  
C. Lefebvre, Clerk of St. Antoine Market.  
A. D. Joubert, Bailiff Recorder's Court.  
Jos. Dumont and L. C. Thérien, Extra Bailiffs.  
James D'Arcy, Messenger.

HENRY STUART and ROUER ROY, *Attorneys*.  
W. ROSS and C. F. PAPINEAU, *Notaries*.

#### BOARD OF ASSESSORS.

|                   |                 |
|-------------------|-----------------|
| Jérôme Grenier,   | Daniel Farrell, |
| James C. Beers,   | Rémi Lambert,   |
| Joseph Deschamps, | Thomas McGinn.  |

#### CLERKS.

|                |              |
|----------------|--------------|
| P. N. Lamothe, | A. A. Lynch, |
| Francis Dowd.  |              |

## RULES AND ORDERS \*

OF THE

### COUNCIL OF THE CITY OF MONTREAL.

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#### MANAGEMENT OF THE COUNCIL.

**Time of meeting  
and who shall  
preside.**

1. As soon after the hour of meeting, as there shall be a quorum present, agreeably to the Ordinance of Incorporation, the Mayor of the said City, if present, or, in his absence, the acting Mayor, or, in the absence of the acting Mayor, such Alderman or Councillor as the members of the Council, so assembled, shall choose to be Chairman of any such meeting, shall take the Chair, and call the Members to order.

**Mayor's  
absence.**

2. In case the Mayor shall not be in attendance, or if in attendance, should wish to leave the Chair, the acting Mayor shall take the Chair, or in the absence of the acting Mayor the senior Member present shall, from his place, call the meeting to order, until a President be chosen, according to the provisions of the Ordinance, who shall sit until the arrival or return of the Mayor.

**Reading of  
the minutes.**

3. Immediately after the Mayor, or Presiding Member, shall have taken his seat, the minutes of the preceding Meeting shall be read by the Clerk, in French and English alternately, in order that any mistake therein may be corrected by the Council.

4. When the Council adjourns, the Members shall keep their seats until the Mayor, or Presiding Member, has left the Chair. Order in adjournments.

5. (By the 48th section of the Act of Incorporation, 14th and 15th Vic., cap. 128, it is provided, that not less than one-third part of the whole number of the Members of the City Council, viz.: ten Members, including the Mayor, shall be necessary to constitute a Meeting of the said Council for the exercise of its powers.) Quorum.

6. Whenever the Mayor, or Presiding Member, shall adjourn the Council for want of a quorum, the time of the adjournment, and the names of the Members then present, shall be inserted in the minutes. No quorum.

7. Any two Members may require the Council Room to be cleared of Strangers; and the Mayor, or Presiding Member, shall immediately give directions to have the order executed without debate. Withdrawal of strangers.

8. The Mayor or Presiding Member shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council; in explaining a point of order or practice, he shall state the rule or authority applicable to the case. (By the 30th section of the Act 23rd Vic., cap. 72, it is provided, that the Mayor or other Officer for the time being presiding at any meeting of the Council, shall have power to enforce his authority, for the maintenance of order and decency, by causing to be forcibly put out of and excluded from the Council Chamber, until the adjournment of the Meeting, any Member of the Council, persisting in misdeeming himself, after the Mayor, or Officer so presiding, shall declare him to be out of order; Provided that upon a motion to that effect, it shall be resolved by a majority of at least three-fourths of the Members present that the Mayor, or Officer presiding, should enforce his authority in that behalf; and any motion to that effect shall always be held to be in order, and shall be put and decided upon without debate.) Order in the Council.

9. The Mayor, or Presiding Member, shall not take part in any debate before the Council, or vote, unless the Council Mayor not to debate.

shall be equally divided, in which case he may give his reasons for so voting. He may, however, state facts, and give his opinion on questions of order.

#### DEBATE.

Members  
speaking.

10. When any Member is about to speak in debate, or deliver any matter in the Council, he shall rise in his place, and respectfully address the Mayor, or Presiding Member, shall confine himself to the question under debate, and avoid all personalities or offensive words against any Member of the Council.

Two or more  
members rising  
together.

11. When two or more Members happen to rise at the same time, the Mayor or Presiding Member shall name the Member who is first to speak.

Order in debate.

12. A Member called to order shall sit down, but may afterwards explain. The Council, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be final.

Reading the  
question.

13. Any Member may of right require the question or motion in discussion to be read for his information, at any time during the debate, but not so as to interrupt a Member while speaking.

No member to  
speak more  
than once;

14. No Member shall speak more than once to a question, except in explanation of a material part of his speech, which may have been misconceived or misunderstood, but then he is not to introduce any new matter. A reply is allowed to a Member who has made a substantive motion to the Council, but not to any Member who has moved an amendment, the previous question, or an instruction to a Committee.

Nor more than  
ten minutes.

15. No Member shall speak longer than Ten Minutes at a time without leave of the Council.

#### CONDUCT OF MEMBERS.

Decorum in  
the Council.

16. When the Mayor, or Presiding Member, is putting a question, no Member shall walk out of or cross the room, or make any noise or disturbance; and when a Member is speak-

ing, no Member shall interrupt him, except to order, nor pass between him and the Chair ; and no Member may pass between the Chair and the table.

17. Every Member who shall be present when a question is put, shall vote thereon, unless the Council shall excuse him, or unless he be personally interested in the question ; Provided such interest is resolvable into a personal pecuniary profit, or such as is peculiar to the Member, and not in common with the interests of the Citizens at large, in which case he shall not vote.

Members to vote, unless personally interested.

ROUTINE BUSINESS.

18. The Ordinary Routine of business in the Council shall be as follows :—

Routine of business.

Receiving Petitions,  
Receiving Reports of Committees,  
Notices of Motions,  
Questions put by Members,  
Orders of the Day.

19. Questions may be put to the Mayor, or Presiding Member; or to the Chairman of any Standing or Special Committee of the Council, relating to any By-law, Motion, or other proceedings or public matter connected with the business of the Council—but, in putting any such question, no argument or opinion is to be offered, nor any facts stated, except so far as may be necessary to explain the same. And, in answering any such question, a Member is not to debate the matter, to which the same refers.

Questions by members.

MOTIONS AND QUESTIONS.

20. The Mayor, or Presiding Member, shall consider a Motion to adjourn as always in order, unless a Member has possession of the floor, or any question has been put and not decided ; and it shall be decided by the Council without debate.

Motion to adjourn.

21. All Motions shall be in writing, and seconded before being debated, or put from the Chair. When a Motion is

Motions, how made.

seconded, it shall be read in English and in French by the Mayor, or Presiding Member, if he is familiar with both languages; if not, the Mayor or Presiding Member shall read the Motion in one language, and direct the City Clerk to read it in the other, before debate.

**Motions,  
how proposed.**

22. After a Motion is seconded, and submitted by the Mayor, or Presiding Member, it shall be deemed to be in possession of the Council, but may be withdrawn at any time, before decision or amendment, with permission of the Council.

**When in  
possession of  
the Council.**

23. The Mayor, or Presiding Member, shall propose all Questions, in the order in which they are moved, except in naming sums and fixing times, when the largest sum and the longest time shall be put first.

**During debate,  
what in order.**

24. When a Question is under debate, no Motion shall be received unless—

- |                         |                           |
|-------------------------|---------------------------|
| 1. To amend it;         | 4. To postpone it;        |
| 2. To commit;           | 5. For previous question; |
| 3. To lay on the table; | 6. To adjourn.            |

**Previous  
question.**

25. The previous Question, until it is decided, shall preclude all amendment and debate of the main Question, and shall be in this form, "Shall the main Question now be put?" If the previous Question be resolved in the affirmative, the original Question is to be put forthwith, without any amendment or debate.

**Reconsidera-  
tion when  
may be made.**

26. A Question may be re-considered at any time during the same sitting, by a vote of the majority of the Members present, or at the first or any other sitting thereafter, by the concurrent vote of the majority of the whole Council (viz. 15). A motion for re-consideration being once made and decided in the affirmative or negative, shall not be renewed before the next Civic year.

**Motion to  
postpone, &c.  
not debatable.**

27. A Motion for postponement or commitment shall, until it is decided, preclude all debate of the main question.

**Amendment in  
amendment to  
an amendment.**

28. A Motion to amend an amendment shall be in order; but to amend an amendment to an amendment shall not be entertained.



29. An amendment modifying the intention of a Motion shall be in order; but an amendment relating to a different subject shall not be in order. In order when.

30. On an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out and those to be inserted, and finally, the paragraph as it would stand if so amended. To "strike out and insert," how made.

#### DIVISIONS.

31. When Members have been called in, preparatory to a division, no further debate is to be permitted. Divisions.

32. If any two Members require it, the *Yeas* and *Nays* upon any question shall be called and entered upon the minutes of the Council, in the following order: Yeas and Nays.

*First.*—The newly elected Members for the St. Mary, St. James, St. Louis, St. Lawrence, St. Antoine, St. Anne, West, Centre, and East Wards, in the order in which the said Wards are herein enumerated,—provided that Members re-elected for any of the said Wards shall take precedence of all Members newly elected, and not before in the Council.

*Second.*—The Old Members for the said Wards in the order above enumerated.

*Third.*—The Aldermen, in the inverse order of their appointment, the last appointed voting first.

#### PETITIONS.

33. Every Petition, Remonstrance, or other written Application, intended to be presented to the Council, shall have endorsed thereon the name of the applicant, and the substance of such application, which endorsement shall be read by the City Clerk, unless a Member shall require the reading of the paper, in which case the whole shall be read. Petitions to be endorsed.

#### SUPPLIES.

34. No Resolution, Motion, or Report involving the expenditure of any portion of the City Revenue, shall be adopted by the Council unless the same shall have been previously Supply votes to be sanctioned by the finance committee.

submitted to and sanctioned by the Finance Committee. Provided, however, that upon the refusal of the Finance Committee to sanction an appropriation asked for by any Committee, the said Council may, by a vote of three-fourths of its Members, order such appropriation to be made.

#### BY-LAWS.

By-laws to  
be printed.

35. All By-laws shall be printed in both languages, for the use of the Members, before being submitted to the Council for consideration.

Readings  
of by-laws.

36. When a By-law or Petition is read in the Council, the Clerk shall certify the readings, and the time on the back thereof.

Readings  
of by-laws.

37. Every By-law shall be read twice before it is committed and engrossed, and read the third time before it is signed by the Mayor.

Readings  
of by-laws.

38. No By-law brought into the Council shall have more than one reading on the same day.

Fees and cost of  
private by-laws.

39. The expenses and costs attending on private By-laws giving any exclusive privilege, or for any object of profit, or private, corporate, or individual advantage, or for amending, extending, or enlarging any former By-laws in such manner as to confer additional powers, ought not to fall on the public; accordingly, the parties seeking to obtain any such By-law shall be required to pay to the City Treasurer, before the third reading thereof, an amount sufficient to cover the cost of printing, engrossing, and publishing the said By-law, and no such By-law shall be read a third time until a certificate from the City Treasurer shall have been filed with the City Clerk, that the cost of printing, engrossing, and publishing as aforesaid, has been paid to him.

#### PRIVILEGES.

Privilege.

40. Whenever any matter of privilege arises, it shall be taken into consideration immediately.

COMMITTEES.

41. Whenever it shall be moved, and carried, that the Council shall go into Committee of the whole, the Mayor, or Presiding Member, before leaving the Chair, shall appoint a Chairman of the Committee of the whole, who shall maintain order in, and report the proceedings of the Committee. The rules of proceedings in Council, shall be observed in Committee of the whole, so far as they may be applicable, except the rule limiting the number of times of speaking.

Committee  
of the whole.

42. When in Committee of the whole Council, all motions relating to the matter under consideration shall be put in the order in which they are proposed.

Order of  
proceeding.

43. On motion in Committee, to rise and report, the question shall be decided without debate.

Motion that  
chairman leave  
the chair.

44. The Standing Committees shall be appointed by the Council, annually, at the Quarterly Meeting in March.

Standing  
committees.

They shall each consist of seven Members, and shall be as follows :—

- |                |                  |
|----------------|------------------|
| 1. On Finance. | 6. On Markets.   |
| 2. On Roads.   | 7. On Light.     |
| 3. On Police.  | 8. On City Hall. |
| 4. On Fire.    | 9. On Licenses.  |
| 5. On Water.   | 10. On Health.   |

45. Special Committees may be appointed on motion of a Member by consent of the Council. Committees appointed to report on any subject referred to them by the Council, shall report a statement of facts, and also their opinion thereon, in writing, and no report of any Committee shall be received unless the same shall have been agreed to in Committee actually assembled, and signed by a majority thereof.

Special com-  
mittees.

46. On the acceptance by the Council of a final report, from a Special Committee, the said Committee shall be considered discharged, without a vote, unless otherwise ordered.

When  
discharged.

47. No Meeting of any Committee shall be called upon less notice than twenty-four hours.

Committees,  
how called.

Meetings of committees not to take place on certain days.

48. Unless for business of the most urgent importance, and with the sanction of the Mayor, no meeting of Committee shall be held on the same day as a meeting of the Council.

Quorum.

49. Of the number of Members appointed to compose a Committee, a majority of the same shall be a quorum, unless otherwise ordered by the Council.

Proceedings when there is no quorum.

50. If within thirty minutes after the time for which any Committee shall have been called, there shall not be a quorum of the Members present, any Member of such Committee, then present, may leave the Committee room, and before doing so have his name recorded as present, which will preclude any business being done at that meeting, although there should subsequently be a quorum.

Members may attend committees.

51. Members of the Council may attend meetings of any of its Committees, but shall not exercise the privilege of voting.

Committees not to give contracts to its members.

52. No Committee shall enter into any contract with, or authorize the purchase of, any article from any of its Members.

Chairman, his attributions.

53. No Chairman of any Committee shall audit or approve any Bill or Account against the City, for any supplies or services, which shall not have been ordered or authorized by the Committee.

Reconsiderations in committees.

54. The 26th Rule relative to the re-consideration of motions on questions in the Council, shall also apply to the re-consideration of any question in Committees.

Chairman to report proceedings in certain cases.

55. When a sufficient number of the Members of a Committee cannot agree to a Report on any matter referred to them, the Chairman of such Committee shall make a special report of the proceedings to the Council, in order that a decision may be had in the matter.

#### DUTIES OF CLERK.

To prepare orders of the day.

56. The City Clerk shall make a list of all By-laws, Resolutions, or Reports on the Table, which shall be considered "The general Order of the Day"—original Communications

and Petitions shall be first taken up, then any unfinished subject, then the special Orders of the Day, unless the Council shall decide differently.

57. The Clerk shall keep Minutes of the Votes and Proceedings of the Council, entering thereon all accepted orders and resolutions ; shall notice reports, memorials, and other papers submitted to the Council, only by their titles, or a brief description of their purport, but all accepted reports shall be entered at length, and the said Minutes shall be fairly copied into a separate journal, to be kept for that purpose, and provided with an index ; he shall also forward all the papers to the appropriate Committees and Officers, as early as possible after the reference shall have been made.

To keep minutes, &c.

58. It shall also be the duty of the Clerk of the City Council to attend the Meetings of Council and Committees, and to keep the records of Committees of the Council, and he shall provide suitable blank-books for that purpose ; and the said Clerk shall have the custody of the Minutes so kept, which, like all the other records, shall be subject to the inspection of the Members of the Council.

To attend meetings, &c.

59. No standing rule or order of the Council shall be suspended, unless *three-fourths* of the Members present shall consent thereto ; nor shall any rule or order be repealed or amended without due notice being given of the motion therefor ; nor unless a majority of the whole Council shall concur therein.

Rules how suspended.

RULES FOR THE GOVERNMENT  
OF  
THE FIRE DEPARTMENT.

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STATIONS.

1. The Stations of the CITY FIRE POLICE shall be enumerated as follows :—

- No. 1—Central Station, Craig Street.
- No. 2—Court-House Square.
- No. 3—Wellington Street.
- No. 4—Chaboillez Square.
- No. 5—St. Catherine Street.
- No. 6—German Street.
- No. 7—Dalhousie Square.
- No. 8—Visitation Street.

DISTRICTS.

2. For the greater convenience of operating the Fire Department, the City shall be divided into three Districts.

DISTRICT No. 1—Shall comprise all that part of the City lying west of St. Denis and Bonsecours Streets, and east of George Street, Dupré Lane, Ste. Monique Street, and McGill College Avenue, and from City Boundary to the River.

DISTRICT No. 2—Shall comprise all that portion of the City lying west of No. 1 District.

DISTRICT No. 3—Shall comprise all that portion of the City lying east of No. 1 District.

3. The Fire-Police and Signal Stations, included within the boundaries of the several Districts shall be as follows:—

DISTRICT No. 1.

| <i>Fire Stations.</i>             | <i>Apparatus.</i>             |
|-----------------------------------|-------------------------------|
| No. 1.—Central. ....              | { Hose,<br>Hooks and Ladders. |
| No. 2.—Court-House Square .....   | Hose.                         |
| No. 5.—St. Catherine Street ..... | { Hose,<br>Engine.            |
| No. 6.—German Street.....         | { Hose.<br>Engine.            |

*Signal Stations.*

Nos. 1, 3, 4, 5, 6, 7, 8, 9, 12, 24, 26, 34, 35, 36, 37, 38, 39, 41, 42, 43, 45, 46, 47, 48, 49, 51, 52.

DISTRICT No. 2.

| <i>Fire Stations.</i>          | <i>Apparatus.</i>                        |
|--------------------------------|--|
| No. 3.—Wellington Street ..... | { Engine.<br>Hose,<br>Hooks and Ladders. |
| No. 4.—Chaboillez Square.....  | Hose.                                    |

*Signal Stations.*

Nos. 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 27, 28, 29, 31, 32, and 64.

DISTRICT No. 3.

| <i>Fire Stations.</i>         | <i>Apparatus.</i>                        |
|-------------------------------|--|
| No. 7.—Dalhousie Square.....  | Hose.                                    |
| No. 8.—Visitation Street..... | { Hose,<br>Engine,<br>Hooks and Ladders. |

*Signal Stations.*

Nos. 2, 53, 54, 56, 57, 58, 59, 61, 62, 63, and 65.

## ORGANISATION OF STATIONS.

4. The different Stations shall be organised as follows :

- |                               |  |
|-------------------------------|--|
| No. 1—CENTRAL STATION .....   | One Guardian, 1st.<br>One Guardian, 2nd.<br>Two Drivers. |
| No. 2—COURT HOUSE.....        | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |
| No. 3—WELLINGTON STREET....   | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |
| No. 4—CHABOILLEZ SQUARE.....  | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |
| No. 5—ST. CATHERINE STREET..  | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |
| No. 6—GERMAN STREET .....     | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |
| No. 7—DALHOUSIE SQUARE .....  | One Guardian.<br>One Assistant Guardian.                 |
| No. 8—VISITATION STREET ..... | One Guardian.<br>One Assistant Guardian.<br>One Driver.  |

DUTIES OF GUARDIANS, ASSISTANT GUARDIANS,  
AND DRIVERS.

It shall be the duty of the Guardians and Drivers of the Fire Police to give attendance at their respective Stations, and they shall not absent themselves without leave of absence from the Chief. The first or senior Guardians shall be entitled to a residence and a water-service at their respective stations ; and the Assistant Guardians and Drivers shall



have sleeping accommodations,—it being understood, however, that they supply suitable bedding at their own expense.

6. The Members of the City Fire Police are strictly prohibited from the intemperate indulgence in spirituous liquors and from the use of profane swearing, and shall abstain from noisy and quarrelsome conduct. They shall not, under any pretence whatever, enter into Taverns unless when required in the regular discharge of their duties as Firemen, or bring Spirituous Liquors into any of the Stations, under pain of immediate dismissal. The first Guardian of each Station shall be held responsible for the good order of his Station. He shall see that all the apparatus appertaining thereto is kept in an efficient state ; he shall report all deficiencies and damage to the Chief without delay ; he shall see that the watches are properly set and kept ; he shall also keep a book, or journal, shewing the daily routine of duty, according to a form to be furnished by the Chief, open to the inspection of the Officers of the Force ; and it shall be his duty to report all irregularities, misconduct, or acts of insubordination of his subordinates.

7. The City Fire-Police shall not engage, either directly or indirectly, in any business or occupation, Civil or Military, other than that for which they are employed as Members of this Force ; and they shall act in any capacity for which their services may be required for working Engines, Hose, Hooks, and Ladders, Axes, Fire-escapes, &c., &c., according to the exigency of the service.

#### ORDER OF WATCH.

8. In those Stations where there are two Guardians, the watch shall be six hours each alternately, viz. :

|              |              |
|--------------|--------------|
| 12 to 6 P.M. | 12 to 6 A.M. |
| 6 to 12 P.M. | 6 to 12 M.   |

9. Stations having two Guardians and one Driver, the watch shall be four hours each alternately, viz. :—

|              |              |
|--------------|--------------|
| 12 to 4 P.M. | 12 to 4 A.M. |
| 4 to 8 P.M.  | 4 to 8 A.M.  |
| 8 to 12 P.M. | 8 to 12 M.   |

10. Stations having four Guardians and Drivers, the watches shall be six hours each in succession, viz. :

|              |              |
|--------------|--------------|
| 12 to 6 P.M. | 12 to 6 A.M. |
| 6 to 12 P.M. | 6 to 12 A.M. |

11. When not on watch or engaged in Street-watering, as is hereinafter provided, the Guardians and Drivers may be absent for meals, and, if married, for the purpose of attending to their families ; but, with the exception of the first, leave of absence shall be first obtained.

#### STREET-WATERING.

12. The Street-watering Service having been assigned to the City Fire-Police, it shall be the duty of the Assistant Guardians and Drivers to perform such service, when not occupied in the duties of Firemen ; it being provided, however, that the men whose watch occurs between Sunset and Sunrise shall not be liable to work the water-tanks.

#### HOSE-CLEANING.

13. In addition to the ordinary duties assigned to Guardians and Drivers, the staff of the Central Station shall be charged with the cleaning and repair of the hose. The hose to be brought to the Station, changed, and taken away by the Guardians or Drivers of the several stations.

#### DUTIES OF CHIEF ENGINEER.

14. The Chief Engineer shall give attendance at the Central Station every day (Sundays excepted,) from 9 A.M. till 12. He shall command the entire force at fires ; shall issue orders at his discretion to the Police at their several stations, in consonance with the City Fire By-laws, and with the provisions of these regulations. He shall be empowered to suspend any Member of the force for misconduct or disobedience of orders, which shall be immediately reported to the Committee with a full statement of the reasons for the course pursued. And, as the executive officer of the Fire Committee, he shall communicate the orders of said Committee to all parties concerned.

15. It shall be his duty to keep a journal of the operations of the department in all its parts, and present a synopsis of its working to the Fire Committee quarterly, and shall report annually in detail,—enumerating the losses which have occurred; the causes of Fires, when known; the occupation or business carried on; the supposed value of property destroyed, whether real or personal; together with such observations and recommendations as he may deem fitting to promote the efficiency of the Department.

16. He shall, when required, render all possible aid in the good working of the Fire Alarm Telegraph establishment.

DUTY OF ASSISTANT ENGINEER.

17. It shall be the duty of the Assistant Engineer to aid and assist the Chief Engineer at fires, and to take the entire direction in his absence; and to give attendance at the office (Central Station) every day from 1 o'clock until 8 P.M.

18. He shall inspect the several Stations twice weekly, in rotation; he shall aid the Chief in keeping the journal and order-book of the Central Office; he shall compile statements from station-books; and generally render all possible assistance in conducting the business of the Department.

GENERAL RULE.

19. Every Member of the City Fire-Police, including the Chief, Engineer and his Assistant, shall devote their entire time and energies to the duties appertaining to their respective offices. The violation of this rule shall expose the delinquent to immediate dismissal.

## CITY FIRE COMPANY.

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20. The CITY FIRE COMPANY shall be divided into three Sections of twelve Firemen and six Supernumeraries.

21. The FIRST SECTION shall be under the immediate command of the Captain, and its rendezvous or rallying point shall be the Central Station.

22. The SECOND SECTION, of an equal number of men, shall be placed under the immediate command of the First Lieutenant; and their place of meeting shall be No. 3 Station, Wellington Street.

23. The THIRD SECTION shall be constituted like the former, under the immediate command of the Second Lieutenant, and shall meet at No. 8 Station Visitation Street.


24. When all or any portion of this Company are called out for duty, it shall be under the immediate command of the Senior Company Officer present, who shall be directed by the Chief or Assistant.

### DUTIES OF CITY FIRE COMPANY.

25. The duties of the City Fire Company shall be such as the exigency of the particular case may require. They shall be liable to operate Fire-engines, work Hose, raise or place Ladders, demolish wooden erections, and generally to do any duty which may be required of them for the extinguishment of fires.

26. It shall be the duty of the Captain and Lieutenants to maintain the discipline and efficiency of the Company, and they shall be held responsible therefor.

27. The several sections of the City Fire Company shall turn out according to the rules established for the City Fire-Police, viz. :—



*First Alarm.*

- No. 1 District.....1st Section.  
 No. 2 District.....2nd Section.  
 No. 3 District.....3rd Section.

*Second Alarm.*

- No. 1 District, *west*... 1st and 2nd Sections.  
 No. 1 District, *east*.....1st and 3rd Sections.  
 No. 2 District.....1st and 2nd Sections.  
 No. 3 District.....1st and 3rd Sections.

*Third Alarm.*

1st, 2nd, and 3rd Sections.

28. The Roll must be called by the Chief Engineer or Assistant, or in their presence, and absentees will be liable to fine or drawback of pay for non-attendance according to the following scale, viz. :

|                   |        |
|-------------------|--------|
| Captain .....     | \$1.50 |
| Lieutenants ..... | \$1.00 |
| Firemen .....     | 0.50   |

29. Supernumerary Members will be entitled to pay, when supplying the place of absent Members, provided, however, that not more than twelve men are returned as present for each Section of the Company.

DRESS AND UNIFORM.

30. The Members of the City Fire-Police shall provide themselves with such Uniform Dress as the Fire Committee shall prescribe, and they shall wear such dress when upon duty. Should the Members, however, fail to provide the Uniform prescribed by the Committee, the Chief shall order the same ; the cost to be deducted from the pay of the Members for whom it shall be so provided. Any variation of Dress, according to the occasion and season of the year, will be ordered by the Chief.

31. The Dress of the City Fire Police shall consist of the following, viz :—

*Cap*—Leather Regulation. *Shirt*—Red Flannel. *Pantaloons*—Dark Mixture, with Waist Belt.

COLOURS.

1st. District—*Red*. 2nd. District—*Green*. 3rd. District—*Blue*.

In addition, an India Rubber Poncho Over-all for winter.

32. The City Fire Company shall wear such Uniform as they may adopt, provided, however, that it shall be of the same pattern; the several Sections being distinguished by the colours of the Districts to which they may have been assigned.

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## FIRE-ALARM TELEGRAPH.

33. The Superintendent and Chief Operator shall have sole control of the apparatus connected with the Fire-alarm, Water and Police Telegraph. He shall be empowered to direct the working of said Fire-alarm Telegraph in every particular, and shall be held responsible to the Fire Committee for the good order and efficiency of the establishment; and in order that such responsibility may be efficacious, he shall have the power to suspend his subordinates for any grave dereliction of duty, pending the action of the Fire Committee.

34. It shall be the duty of the Superintendent and Chief Operator to present to the Fire Committee on or before the first March, in each and every year, a report detailing the working of his department during the year, with such suggestions for the consideration of the Committee, as he may deem expedient.

35. Each Operator shall be required to perform a duty of sixteen hours per diem,—eight hours active and eight hours as assistant,—and to be at all times subject to such extra service as may be necessary for the proper working of the system.

36. Upon the requisition of the Superintendent and Chief Operator, the Chief Engineer of the Fire Department shall furnish men from the City Fire-Police for the purpose of setting or erecting poles, or for any other duty of a like nature, which may be required.

ALARMS.

37. The alarm of fire shall be communicated to all the Stations. The Fire-Police and section of City Fire Company within the District indicated only shall turn out upon the FIRST ALARM; the force of the other Districts, however, shall hold themselves in readiness to proceed to the fire if required.

*District No. 1.*—Upon a second alarm in No. 1. District, west of St. Joseph and St. Urbain Streets, No. 2 District shall turn out to assist No. 1. District. If the fire shall occur east of said line, No. 3 shall turn out.

*District No. 2.*—Upon a second alarm in District No. 2, District No. 1, west of St. Urbain Street, shall turn out to their assistance.

*District No. 3.*—Upon a second alarm in District No. 3, District No. 1, east of St. Urbain Street shall turn out. In all cases, the whole shall turn out upon a *third alarm*.

SIGNALS.

38. *For a First Alarm*—The signal-box number will be struck three times in succession.

*For a Second Alarm*—The number will be repeated twice after the first signals shall have been given.

*For a Third Alarm*—The number will be repeated once after the first and second signals have been given.

When no more assistance is required, one blow will be struck.

39. Should an alarm be given from a second signal-box, in the same District, it shall not be considered a second alarm, with the view to call out a greater force,—but if it shall occur in a different District, then the force assigned to that District shall proceed immediately to the place indicated.

## INSPECTION OF BUILDINGS.

### DUTIES OF INSPECTOR.

40. The Inspector of Buildings shall give his entire attention and time to the duties of his office, as defined in the By-law relating to the construction and alteration of Buildings, &c., and for the prevention of accidents by fire ; and he shall not be required to perform any other duty, nor shall he be permitted to engage in any other avocation or business whatsoever.

41. The Inspector of Buildings shall be present, at all Meetings of the Fire Committee, unless prevented by unavoidable causes, to afford information relative to the conduct of the Department under his charge.

42. It shall be the duty of the Inspector of Buildings to prepare an annual report, containing a concise statement of the management of his department during the year, with such recommendations and suggestions as he may deem fitting and the circumstances of the service may warrant.

43. He shall also prepare tabular statements, shewing the number of new buildings erected during the year in the several Wards of the City, specifying the purpose for which they were constructed, and the kind of material employed. He shall also state the average number of visits paid to such buildings during the progress of erection.

44. He shall report also, in tabular form, the number of buildings in each Ward, which have undergone considerable repairs or alterations, specifying particulars when such are important.

45. He shall also shew by condensed table, whether the number of new buildings has increased or diminished, as compared with previous years.

46. The Inspector of Buildings shall likewise prepare an Annual Statement of all causes instituted by him in the Recorder's Court, specifying the name of the parties implicated, the cause of complaint and result of prosecution.



REGULATIONS \*  
FOR THE  
GOVERNMENT OF THE POLICE FORCE,  
OF THE CITY OF MONTREAL.  
WITH INSTRUCTIONS AS TO THE LEGAL POWERS AND DUTIES  
OF  
POLICE CONSTABLES.

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TO THE MEMBERS OF THE MONTREAL POLICE.

Although the system of Police is designated for the detection and punishment of offenders, its great and primary object is the prevention of crime, by restraining the vicious, intimidating the reckless, and rendering punishment a certain consequence of crime.

These objects can only be attained by unremitting vigilance, and energy of action on your part in the performance of the high and important duties that the law has devolved upon you.

A careful examination of the law, and of the Rules and Regulations, will constitute a guide for your conduct, a compliance with which will secure the confidence of your fellow-citizens, and do honour to the position you occupy. The due enforcement and maintenance of the law is, under all well regulated Governments, a primary and most essential object.

To accomplish these objects, the agents on whom these important powers are conferred, should be men of an honourable character—calm and dispassionate, discriminating and cautious, yet when the emergency requires, bold and resolute.

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\* Adopted on the 2nd May, 1862.

A Policeman's duty is ceaseless. Act as if the good order of society and the prevention of violations of law depended upon your individual diligence and courage ; and be not unmindful of the fact, that where crime prevails and law is violated, it is attributed most frequently to dereliction of duty on the part of the constituted guardians of society. The absence of crime will be considered the best proof of the efficiency of the Police.

The influence and character that you will sustain in this City will, in a great measure, depend on your own conduct and vigilant activity.

A Policeman seen in the streets listless and lounging on a corner, or idly wasting his time in conversation with a passer-by, when he should be fulfilling the object of his appointment, patrolling his beat, and carefully watching and correcting the conduct of the thoughtless or reckless, is soon observed, and his conduct condemned as it merits.

It is necessary upon all occasions, to command your temper, and ever conciliate rather than provoke. Let your conduct and deportment, when off or on duty, be marked by a civil and courteous demeanour, while it should be characterized by firmness and decision, and you will secure the confidence and respect of your fellow-citizens.

It is particularly necessary, that in all your intercourse with each other, there should be mutual forbearance and civility, with prompt obedience to all lawful orders. Discipline and a strict conformity with the Rules and Regulations of the force are essentially necessary, and will be enforced. The law makes a sufficient allowance for your services, and the public rightfully expect an adequate return in your faithfulness.

To justify the confidence reposed in the department, and to elevate it in public estimation, should be the object of every Officer and Policeman. Much must necessarily be left to the intelligence and discretion of individuals, and according to the degree in which those qualities are developed, which mark them as possessed of zeal, activity, and judgment, will be their claims to future promotion and reward.

## RULES AND REGULATIONS.

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1. Reading and writing combined, with a practical knowledge of the French and English languages, will be exacted as much as possible. An unimpeachable character shall in all cases be necessary for admission into the Police Force.

2. Good conduct, zeal, activity, obedience, and judgment in the performance of the several duties imposed upon all members of the Force, are expected, and will entitle them to promotion or reward.

3. Each member shall devote his whole time and attention to the Police service, and shall follow no other calling, directly or indirectly.

4. He shall promptly obey all lawful orders from his Superior Officers, and conform himself to all Rules and Regulations which may be made from time to time for the benefit of the service.

5. He shall at all times appear in his complete Police dress.

6. He shall not use, nor allow to be used, the baton marked "City Police," except while he belongs to the City Police.

7. He should clearly understand what powers are given to him by law for the efficient execution of his duties. For this purpose he is recommended to read carefully the instructions given to him respecting the general duties of a Constable.

8. He will be expected to possess such knowledge of the inhabitants of each house as will enable him to recognise their persons. He will thus prevent mistakes, and enable himself to render assistance to the inhabitants when called for.

9. He should be able to see every part of his beat at least once in half an hour; and this he shall be expected to do; so that any person requiring assistance, remaining in the same spot for that length of time, may be able to meet a Constable. However, he is permitted to remain at any particular place,

if his presence there be necessary, to watch the conduct of any suspected person, or for any other reason ; but he shall satisfy his Superior Officers that there was a sufficient cause for such apparent irregularity.

10. When he takes any one into custody he will immediately return to his beat, which he will not leave during his time of duty, unless circumstances make it necessary.

11. He shall not enter any houses except in the execution of his duty ; and he shall pay particular attention to public houses in his beat, reporting whether they appear to be kept according to good order ; whether soldiers and apprentices are drinking after the hours mentioned by law ; and report any drinking between the hours of 11 o'clock on Saturday evening and 6 o'clock on Monday morning ; also, any gambling in these houses. But on no pretence, shall he enter such public house, except in the immediate execution of his duty. Such a breach of positive orders will not be excused ; the publican himself is subject to a heavy fine for allowing him to remain in his house. He shall moreover report all unlicensed taverns that may come to his knowledge, with names of occupants, &c.

12. He will be civil and attentive to all persons, of every rank and class ; insolence or incivility on his part will not be overlooked.

13. While on duty he must not enter into conversation with any one, except on matters relating to his duty.

14. He must be particularly cautious not to interfere, idly or unnecessarily. When required to act, he will do so with decision and boldness. On all occasions he may expect to receive the fullest support in the proper exercise of his authority. He must remember that there is no qualification more indispensable than a perfect command of temper, never suffering himself to be moved in the slightest degree by any language or threats that may be used. If he do his duty in a quiet and determined manner, such conduct will probably induce well-disposed by-standers to assist him, should he require it.

15. The following general instructions for the Policemen are not to be understood as containing rules of conduct applicable to every variety of circumstances that may occur in the performance of their duty ; something must necessarily be left to the intelligence and discretion of individuals ; and according to the degree in which they show themselves possessed of these qualities, and to their zeal, activity, and judgment, on all occasions, will be their claims to future promotion or reward.

16. Upon no occasion, and under no pretext whatever, shall they receive money or rewards from any person, without the express permission of the Chief of Police.

17. No Policeman shall quit the Force without giving a month's notice. In case he quits without such notice, or be dismissed from the Force, all arrears of pay then due him shall be forfeited.

18. Every man dismissed, or who shall resign, must deliver up, before he leaves the service, every article of dress and appointments supplied to him.

19. Every man of the Force will be liable to immediate dismissal for the following offences :

Disobedience to orders ;

Drunkenness ;

Insolence, in word or manner ;

Violent or coarse language or behaviour ;

Neglect of duty ;

Entering into taverns or houses of ill fame, unless when required in the regular discharge of his duties.

20. When absent from duty, by sickness or any other cause, every man will be liable to be placed under stoppages of pay, as the Chief of Police shall think proper.

21. The Police Committee will never refuse to receive the complaint of any member of the Force when addressed to them through the channel of his Superior Officer. Should

the Superior Officer refuse to convey such complaint, the Committee will be ready to receive the complaint of the said member.

22. If the charges or complaint be frivolous or unsupported by sufficient proof, the party preferring the same will be immediately dismissed.

23. When upon duty the extent of his beat will be clearly pointed out to him by the Officer. He will then be held responsible for the security of life and property within the limits of his beat, and for the preservation of the peace, and general good order, during the time he is on duty.

24. He is not authorized to interfere with persons for standing or talking together ; but he is not to allow such numbers to collect as will obstruct the free passage of the streets. He is to recollect upon all occasions that he is required to execute his duty with good temper and discretion. Any instance of unnecessary violence in striking a party in charge, will be severely punished. A Constable must not use his staff because the party in his custody is violent in behaviour or language. A Constable is not to use language to persons in his custody calculated to provoke or offend them : such conduct creates resistance in the party and a hostile feeling towards the Constable among bystanders. Every Constable will recollect that in executing an arrest he is not justified in doing more than is absolutely necessary for the safe custody of the parties whilst he conveys them to the Station House.

25. Individual Constables, when walking the streets, should not shoulder past passengers, but give way in a mild and civil manner. The more respectful the Police are when off duty, the more respected and supported will they be by the public in the proper execution of the same.

26. If during the service, or upon the dismissal or resignation of any member of the force, it shall appear to the Chief that any article of dress shall have been improperly used or damaged, a deduction from any pay due to the party

shall be made, sufficient to make good the damage, or supply a new article.

27. Every member of the Force is liable to immediate dismissal for unfitness, negligence, or misconduct, independent of any other punishment to which he may be by law liable.

28. Members of the Force are forbidden to smoke or drink, or carry sticks or umbrellas, when on duty.

29. Members of the Force are strictly forbidden to accept of any description of drink from any person while in custody, or after he shall have been discharged, or from any friends of the defendant.

30. Constables on duty are strictly forbidden to enter into conversation with any person whatever, except on matters relating to their duty. If found while on duty engaged with female servants or other women, they will be severely punished.

31. The men, on or off duty, are to consider themselves liable to be called on at all times, and will always prepare themselves, when required, at the shortest notice.

32. Every member of the Force is strictly bound to prevent nuisances, interruptions and impediments in the public streets of the City.

33. During the time of his duty if he observes in the streets anything likely to produce danger or public inconvenience, or anything which appears to him irregular and offensive, he must report it to the Station.

34. It is the duty of each Constable to notice and report to his Superior Officers any gas-lamps which are broken, dirty, or extinguished. The Police Constables are particularly directed to observe the porches, areas, and area-gates of the several houses within their beats, as persons frequently conceal themselves in the area till the Constable on the beat passes, and then commence their operations. They are also specially directed to watch carts, waggons, or sleighs stand-

ing or loitering in the streets, early in the morning and after dark in the evening.

35. Policemen are not to refuse to give their assistance for the protection of persons and property near their own beats if called for in any case requiring immediate attention; but the Constable is always bound to return, as soon as possible, to his own beat.

36. In cases where a distress is made for non-payment of rent or any other cause, or when disputes arise between parties upon civil matters, the Police Constable is not to give assistance to either, or interfere between them, unless it be necessary to prevent a breach of the peace, or to quell a disturbance, and he is on such occasions merely to take persons breaking the peace into custody, as in other similar cases.

37. Constables shall take to the Station House all persons found on their beats, who, from intoxication or otherwise, are unable to take care of themselves and their property, and deliver them over to the charge of the officer on duty.

38. In all cases of violent or sudden death which may come to the knowledge of the Constables, they are to report the particulars to the officer in charge, that they may be entered in his report, and information given forthwith to the Coroner.

39. Police Constables may stop, search, and detain any cart, carriage, or vessel which they have reason to suppose contains property stolen or unlawfully obtained.

40. Should a member of the Force be called upon by the inmates of a house of ill-fame, for the purpose of arresting any person or persons, he shall be bound to arrest all the inmates of such house as disorderly characters.

41. While on duty every member of the Force shall be bound to be in full uniform with his belt and baton; and when not on duty he shall in no case appear with his belt and baton.



42. All matters relating to the Police Department shall be kept strictly secret, under penalty of dismissal.

43. Cabals, conspiracies, or reflections cast against the moral or official character of any Officer of the Force, without sufficient proof of the charges being made before the Chief, will be punished by instant dismissal.

44. Members of the Force will on no occasion whatever hold any intercourse with prisoners brought to the different Stations, nor shall they laugh, jeer, or joke at or with them. This rule will be strictly enforced.

45. All men, while waiting in the Station to relieve those on duty, must be in full dress ready to turn out at a minute's notice, and they are not permitted to lay down when on day duty.

46. Every relief before they turn out for duty, shall be closely inspected as to cleanliness and good appearance, and if found wanting in either respect, shall be punished by stoppages of pay at the discretion of the Superior Officers.

47. By the Statute 23 Vic., chap. 72, sec. 20, Officers and Members of the Force are not allowed to vote at the election of Mayor or of any of the Councillors, under the penalty provided for in the Statute; a violation of this law by any member of the Force will entail immediate dismissal from the Force.

48. The Police are to report all sales of Liquor by houses or persons not duly licensed.

49. Nuisances of all kinds, whether in the streets or lanes, vacant lots, yards, or enclosed properties, or fields, must be reported distinctly to the Officer on duty, as soon as the Constable returns from his beat.

### INSTRUCTIONS.

#### *As to the Legal Powers and Duties of Police Constables.*

1. The powers of a Constable, when properly understood and executed, are amply sufficient for their purpose.

2. By the laws of this Province he is authorized and required, in the execution of his office, to arrest a party charged with or suspected to be guilty of having committed certain offences—to enter a house in pursuit of an offender—to quiet an affray—to search for stolen goods—and to take possession of goods suspected to have been stolen.

3. It is necessary, therefore, that each Constable should be informed of the cases in which he ought to interfere, and what legal power he possesses to effect his lawful object in case of resistance.

4. It will be first shown for what offences of common occurrence a party may be arrested and detained in custody. With this object, offences may be divided into felonies and misdemeanours.

#### FELONIES.

5. Murder, house-breaking, robbery, stealing, picking pockets, receiving stolen goods knowing them to have been stolen, setting fire to any church, house, or other building, wounding with intent to murder or to cause grievous bodily injury, are some of the principal felonies, besides which there are a great many more which it is unnecessary to mention in detail. Persons guilty of any of these offences are called Felons.

6. As it is more important to prevent and punish the commission of great crimes than of lesser offences, the Constable has a greater power in cases of felonies than in that of misdemeanours.

7. The first duty of a Policeman is to prevent the commission of crime.

8. For this purpose he has power to arrest a party whom, from his situation and character, the law judges to be likely to commit some felony, and whom he has just cause to suspect to be about to do so. Thus when a lunatic or a drunken person, or a man in a passion threatens the life of another, or to burn his house, the Constable must interfere and arrest.

9. He should arrest any person whom he finds under, such circumstances, giving just cause to suspect that he is about to break into any dwelling-house or other building, especially if he has in his possession any implement adapted for that purpose ; or any person armed with a gun, pistol, sword, bludgeon, bowie-knife, or any offensive or deadly weapon, with intent therewith to commit any felonious act.

10. In these, and similar cases, the Constable must judge from the situation and behaviour of the party what his intention is. In some cases no doubt can exist, as when the party is a notorious thief, or associating and acting with those who are known to be thieves ; or when a party is seen to be attempting to pick a pocket, or commit a theft, or to break into a house. The Constable will not act hastily, in case the intention is not clear, but content himself with watching closely the suspected party, in order to discover his design.

11. A Constable must arrest any one he may see in the act of committing a felony, or even charged, on suspicion of another, of having committed a felony, if the suspicion appears to the Policeman to be well founded, and provided the person so suspecting goes with the Policeman to the Station, and is ready to make his affidavit.

12. Though no charge be made, yet, if the Constable suspect a person to have committed a felony, he should arrest him, and if he has *reasonable ground* for his suspicions, he will be justified, even though it should afterwards appear that no felony was, in fact, committed. But the Policeman must be cautious, as his sole defence can rest only on the *reasonableness* of his suspicions.

13. Generally, if the arrest is made discreetly and fairly, in pursuit of an offender, and not from any private malice or ill-will, the Policeman need not doubt that the law will protect him.

14. If the Policeman shall see any one carrying, or in any manner conveying away any goods or chattels whatever, and it shall appear to him that there is probable cause to sus-

pect that they have been stolen, he should apprehend the person, and may detain the goods. Here also he must judge from circumstances, such as the appearance and manner of the party, the account he gives of himself, and the like, whether he has got stolen goods in his possession, before he actually takes him into custody.

15. A Constable must make every exertion to effect an arrest; and the law gives him abundant power for that purpose. If the felon, or party accused with felony, fly, he may be immediately followed wherever he goes; and if he takes refuge in a house, the Policeman may break open the door to get in, first stating who he is, and his business. But the breaking open of outer doors is so dangerous a proceeding that the Policeman never should resort to it, except in extreme cases, and when an immediate arrest is necessary.

16. There are some cases in which a Constable may, and ought to break into a house, although no felony has been committed,—when the necessity of the case will not admit of delay, as when persons are fighting furiously in a house, or when a house has been entered by others with a felonious intent, and a felony will be probably committed unless the Constable interfere, and there is no other means of entering. Except in such cases, it is better, in general, that the Constable should wait until he has a warrant from a Magistrate for the purpose.

17. If a Constable finds his personal efforts insufficient to effect an arrest, he ought to require all persons present to assist him, and they are bound to do so.

18. If a prisoner should escape, he may be retaken, and in immediate pursuit, the Constable may follow him into any place or any house.

#### MISDEMEANOURS.

19. Offences, such as common assaults, affrays and riots, are called misdemeanours.

20. In cases of actual breaches of the peace, as riots, affrays, assaults, and the like, committed within view of the

Constable, he should immediately interfere (first giving public notice of his office, if he be not already known,) separate the combatants, and prevent others from joining in the affray. If the riot be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and do everything in his power to restore quiet.

21. A Constable, in cases of assault which have not been committed in his presence, or within his view, is not authorized to arrest or assist in arresting the party so charged; nor is he to receive a party so charged into his custody, unless the party has been arrested by some other Constable who saw the assault committed. But if a person has been cut or wounded, and gives into custody the party charged with having cut or wounded him, the Constable is authorized to take the party under his charge, and keep him in safe custody until he can be brought before a Magistrate.

22. He may arrest any one assaulting or opposing him in the execution of his duty; but in doing so he must be able to prove some specific fact, as, if not, the charge will be rejected by the Officer on duty at the Station House.

23. If a person forcibly enter the house of another, the Constable may, at the request of the owner, turn him out directly; if he have entered peaceably, and the owner request the Constable to turn him out, the Constable should first request him to go out, and, unless he do so, he should turn him out: in either case, using no more force than is necessary for such purpose.

24. When the offence has not yet been committed, but when a breach of the peace is likely to take place, as, when persons are openly preparing to fight, the Constable should take the parties concerned into custody; if they flee into a house, or are making preparations to fight within the house, the Constable should enter the house to prevent them, and likewise take the parties into custody; and, should the doors be closed, he may break them open, if permission be refused

after giving notice of his office and object in entering. But the power of Constables to break doors, as before mentioned, should be exercised in extreme cases only, and then with great caution.

25. If any party threaten another with immediate violence to his person, or offer to strike, the Constable should interfere, and prevent a breach of the peace ; if one draw a weapon upon another, attempting to strike, the Constable should take him into custody. If persons be merely quarrelling and insulting each other, confining themselves to words, a Policeman has no right to take them into custody, but should be ready to prevent a breach of the peace.

26. If a party charged with felony or misdemeanour escape from custody, he may be pursued anywhere ; and if he take refuge in a house, the door may be broken open, after demand of admission, and after notification by the Policeman of his office and object in coming.

27. After an arrest made, it is in all cases his duty to treat his prisoners properly, and impose only such restraint upon them as may be necessary for their safe custody.

28. He is bound to follow the directions contained in his warrant, and execute it with secrecy and despatch. If the warrant cannot be executed immediately, it should be executed as soon as possible.

29. He must execute the warrant himself, or, when he calls in assistance, he must be actually present. Upon all occasions he ought to state his authority, if it be not generally known, and should show his warrant when required to do so ; but he should never part with the possession of his warrant, as it may hereafter be wanted for his justification.

30. A Constable may enter a house to search for stolen goods, having got a search-warrant for that effect from a Magistrate. He should, if it be possible, execute it in the day-time. If he finds the goods mentioned, he will take them to the Station House, and, when the warrant so directs, he must take the person also in whose possession they are found. To

avoid mistakes, the owner of the property ought, if possible, to attend at the search to identify them.

31. The Constable is also authorized under such warrant from a Magistrate, to break open any dwelling house, shop, warehouse, or other place named in the warrant, as shall not be opened on demand, or after due notice of such warrant, for the purposes stated therein.

32. He has power to apprehend and take to the Police Station, as vagrants or disorderly persons, all persons who, being able to work, refuse and neglect to do so; persons exposing themselves indecently; persons maliciously or wilfully obstructing passengers, by stopping across footpaths, obstructing a thoroughfare; using insulting language; causing disturbance, by screaming, shouting, swearing, singing in the streets; tearing down or defacing signs, posters, and notices where permitted to be posted up; breaking windows, doors, door-plates, knockers, bell-pulls, or the walls of houses, yards or gardens; destroying fences, railings, trees or the plants and shrubs in the public squares streets, or gardens in front of private dwellings; being drunk, and impeding or incommoding peaceable passengers; all common prostitutes; all persons in the habit of frequenting houses of ill fame.

33. A Constable, if authorized by the warrant of a Magistrate, may enter any house of ill-fame, tavern or boarding-house, and there apprehend and bring before the Recorder, all or any of the persons described in the foregoing article, as being disorderly persons; also, all persons found tippling after the hour of 10 at night and before 5 A.M., from 21st March to the 1st of October; and from 6 A.M. to 9 P.M. between 1st October to 21st March. But on Saturday night, during the whole of the year, he is authorized by the Corporation By-law to enter after the hour of 11 o'clock P.M., until the following Monday morning at 6 o'clock, all Shops, Taverns, Public Houses, or places of public entertainment within the said City, and there arrest on view the landlords and all persons found playing at cards, dice, or other chance games, and tippling, in any of such

Taverns, Hotels, Saloons; Bar-rooms, or any other place of entertainment, or Shops, between the hours mentioned in said By-law.

VIOLENT OR SUDDEN DEATHS, OR ACCIDENTS.

34. In all cases of persons found injured, dead or dying, the duties of the Police may be confined to the following objects :

35. In case the party be found dead, to see that the body is decently covered and cared for ; to apprise relatives or friends of the event, and inform the Coroner of the occurrence. The body should be moved as little as possible from the place where it was found, until the inquest is held.

36. In case the party is dying, or seriously injured, to send immediately for a Surgeon, and convey the party, with all possible care and speed, to his or her own house ; to an Hospital, or, if nearest, and in any way desirable, to the Station House.

37. In case the party is evidently dying, or declares himself to be so, in consequence of injuries or violence inflicted by others, it becomes important to take his dying declaration of the facts ; the Constable should therefore send at once for the Police Magistrate, or, in his absence, for any Magistrate resident in the vicinity.

FIRES.

38. The principal duties of a Police Force at fires, consist in the protection of property saved from the flames—in clearing the streets from crowds or other obstructions, ensuring space and free action to the firemen, and for the general maintenance of good order.

39. As it is the duty of every Member of the Force, at all times, to render all assistance in his power to the public in general, each Constable who shall discover a fire in the limits of his beat will immediately give the alarm through the nearest alarm signal station.



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40. As soon as the alarm shall reach the Station-house, the Officer will dispatch all the men available to the scene of conflagration, to maintain order, protect the property saved, and as much as possible lend a helping hand to the Firemen in the accomplishment of their arduous duty.

41. The members of the Force shall pay particular attention to the following rules laid down for their guidance by the Chief Engineer of the Fire Department, to whom they shall be bound to render every possible assistance :

1st. Prevent at all times, if possible, the opening of doors or windows to admit air.

2nd. Give the alarm by day and night at the nearest Signal Station upon the first discovery of fire.

3rd. If the Watchman be watering the street, and has not heard the alarm, state to him that there has been one.



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